

I hereby give notice that a hearing by commissioners will be held on:

**Date:** Monday 23 May and Tuesday 24 May 2022  
(Wednesday 25 May 2022 as an overflow day if required)  
**Time:** 9.30am  
**Meeting room:** Council Chambers  
**Venue:** Ground Floor, Auckland Town Hall  
301-303 Queen Street, Auckland

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**PRIVATE PLAN CHANGE 63**  
**HEARING REPORT**  
**PC63 - 911-975 NEW NORTH ROAD, MOUNT ALBERT**  
**TRAM LEASE LIMITED**

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**COMMISSIONERS**

**Chairperson** Dr Lee Beattie  
**Commissioners** Lisa Mein  
Mark Farnsworth

**Bevan Donovan**  
**KAITOHUTOHU WHAKAWĀTANGA**  
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**Note:** The reports contained within this document are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

## **WHAT HAPPENS AT A HEARING**

### **Te Reo Māori and Sign Language Interpretation**

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

### **Hearing Schedule**

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

### **Cross Examination**

No cross examination by submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

### **The Hearing Procedure**

The usual hearing procedure is:

- **The chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- The **reporting officer** may provide a brief overview of the plan change.
- **Submitters** (for and against the plan change) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
  - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
  - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- **The chair** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.

### **Please note**

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing.

## A NOTIFIED PLAN CHANGE TO THE AUCKLAND UNITARY PLAN

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### Reporting officer, Clare Wall Shaw, Planner

Reporting on a proposed plan change PC63 - To increase the Height Variation Control that applies to 911-953 New North Road from 18m to 24m and apply a Height Variation Control to 955-975 New North Road to enable buildings up to 24m.

<b>SUBMITTERS:</b>	
Page 67	Ronald Tapply
Page 69	David Ryan
Page 73	Martyn Pratt
Page 75	Cathy Coll for the Trustee's of the Pat and Cath Coll Family Trust
Page 77	Plunkett Family Trust
Page 79	Leon Lu
Page 81	Katrina Elliott
Page 83	W and R Property Holdings Limited
Page 85	Vincent Heeringa
Page 87	Tūpuna Maunga Authority
Page 91	Lloyd Austin
Page 97	Darryl Cocker
Page 99	Auckland Transport
Page 109	Derek Bing
Page 113	Kāinga Ora
Page 119	Michael Reid
Page 121	Lauren Mentjox
Page 123	Richard Harry Wilburn

<b>FURTHER SUBMITTERS:</b>	
Page 125	KiwiRail Holdings Limited
Page 127	Auckland Transport
Page 131	Kāinga Ora
Page 135	Loyd Austin



# Hearing Report for Proposed Private Plan Change 63: (911-975 New North Road) to the Auckland Unitary Plan (Operative in part)

Section 42A Hearing Report under the Resource Management Act 1991

**Report to:** Hearing Commissioners

**Hearing Date/s:** 23 and 24 May 2022

**File No:**

**File Reference**

**Report Author** Clare Wall Shaw

**Report Approvers** Fiona Sprott

**Report produced** 28 April 2022

# Summary of Proposed Plan Change 63: (911-975 New North Road, Mount Albert)

<b>Plan subject to change</b>	Auckland Unitary Plan (Operative in part), 2016
<b>Number and name of change</b>	Proposed Plan Change 63 - (911-975 New North Road) to the Auckland Unitary Plan
<b>Status of Plan</b>	Operative in part
<b>Type of change</b>	Private Plan Change
<b>Clause 25 decision outcome</b>	Accept
<b>Parts of the Auckland Unitary Plan affected by the proposed plan change</b>	Planning maps and amendments to Table H10.6.1.1 and Table H13.6.1.2
<b>Was clause 4A complete</b>	Yes
<b>Date of notification of the proposed plan change and whether it was publicly notified or limited notified</b>	Publicly notified on 22 July 2021
<b>Submissions received (excluding withdrawals)</b>	18
<b>Date summary of submissions notified</b>	23 September 2021
<b>Number of further submissions received</b>	4
<b>Legal Effect at Notification</b>	No legal effect at notification
<b>Main issues or topics emerging from all submissions</b>	Consultation, parking, views, sunlight/shading, volcanic viewshaft intrusion, transport assessment, building frontage control, height, neighbourhood character

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# Abbreviations

Abbreviations in this report include:

<b>Abbreviation</b>	<b>Meaning</b>
PPC 63	Proposed Private Plan Change 63
RMA	Resource Management Act 1991
AUP (OP)	Auckland Unitary Plan (Operative in Part)
RPS	Regional Policy Statement
BMU	Business - Mixed Use
BTC	Business - Town Centre
THAB	Residential - Terrace Housing and Apartment Buildings
TLL	Tram Lease Limited

# Attachments

<b>Attachments</b>	
<b>Appendix 1</b>	<b>Plan Change 63 (911-975 New North Road, Mount Albert), as notified with appendices</b>
<b>Appendix 2</b>	<b>Summary of Submissions and Further Submissions</b>
<b>Appendix 3</b>	<b>Albert-Eden Local Board Feedback</b>
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<b>Appendix 9</b>	<b>Proposed Modification to PPC 63</b>

## Executive Summary

1. Proposed Private Plan Change 63 (PPC 63) to the Auckland Unitary Plan (Operative in Part) (AUP (OP)) seeks to apply a Height Variation Control of 24m over the plan change area.
2. The private plan change process set out in Part 2 of Schedule 1 of the Resource Management Act 1991 ('RMA') was adhered to in developing PPC 63.
3. Following receipt of all further information, PPC 63 was accepted for processing under Clause 25 of Schedule 1 on 23 February 2021.
4. PPC 63 was publicly notified on 22 July 2021 and closed for submissions on 18 August 2021. The summary of submissions was notified on 23 September 2021 and closed for further submissions on 7 October 2021.
5. 18 submissions were received. Four further submissions were received.
6. In preparing for hearings on PPC 63, this hearing report has been prepared in accordance with section 42A of the RMA.
7. This report considers the private plan change request and the issues raised by submissions and further submissions on PPC 63. The discussion and recommendations in this report are intended to assist the Hearing Commissioners, the requestor and those persons or organisations that lodged submissions on PPC 63. The recommendations contained within this report are not the decisions of the Hearing Commissioners.
8. This report also forms part of council's ongoing obligations to consider the appropriateness of the proposed provisions, as well as the benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised submissions on PPC 63.
9. A report in accordance with section 32 of the RMA was prepared by the applicant as part of the private plan change request as required under clause 22(1) of Schedule 1 of the RMA. The information provided by the applicant in support of PPC 63 (including the s32 report and an Assessment of Environmental Effects) is attached in Appendix 1.
10. In accordance with the evaluation in this report, I consider that the provisions, as modified by the recommendations set out in Appendix 9 to this report, are the most appropriate way of achieving the objectives of the AUP (OP) and the purpose of the RMA.
11. It is recommended that PPC 63, as modified as set out in my recommendations, be approved for the reasons set out in section 14 of this report.

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## 1. Purpose of the proposed private plan change

12. PPC 63 was lodged with the council on 30 September 2020 by Tram Lease Limited (TLL). The purpose of PPC 63 as outlined on page 9 in the s32 assessment report<sup>1</sup> is to:

*“... apply a 24m height limit to the properties at 911-975 New North Road, to increase the efficient and effective use of this highly accessible land within the Mount Albert town centre area whilst achieving a quality built environment, maintaining the amenity values of the locality and avoiding intrusion into the identified viewshafts to Owairaka/Mt Albert.”*

## 2. Site description and background

13. The plan change area comprises approximately 23,000m<sup>2</sup>, includes the properties from 911 to 975 New North Road in Mount Albert, and is bounded by the railway line to the north-west and New North Road to the south-east, Carrington Road to the north, and Woodward Road to the south. These properties form part of the Mount Albert town centre and surrounds. A site visit was undertaken on 28 October 2020. Figure 1 below shows an aerial image of the plan change area.



**Figure 1 - Aerial of plan change area**

14. In accordance with s42A (1A) I do not propose to repeat information included in the requestor’s application and under s42(1B)(b) I adopt the description of the site and surrounds set out in the requestors site context report<sup>2</sup>.
15. Much of the land in the plan change area is owned by Tram Lease Limited, with the exception of the properties at 911, 929, 931, 933, 935-937, 939-941, 943, 945 and 949. Figure 2 below shows

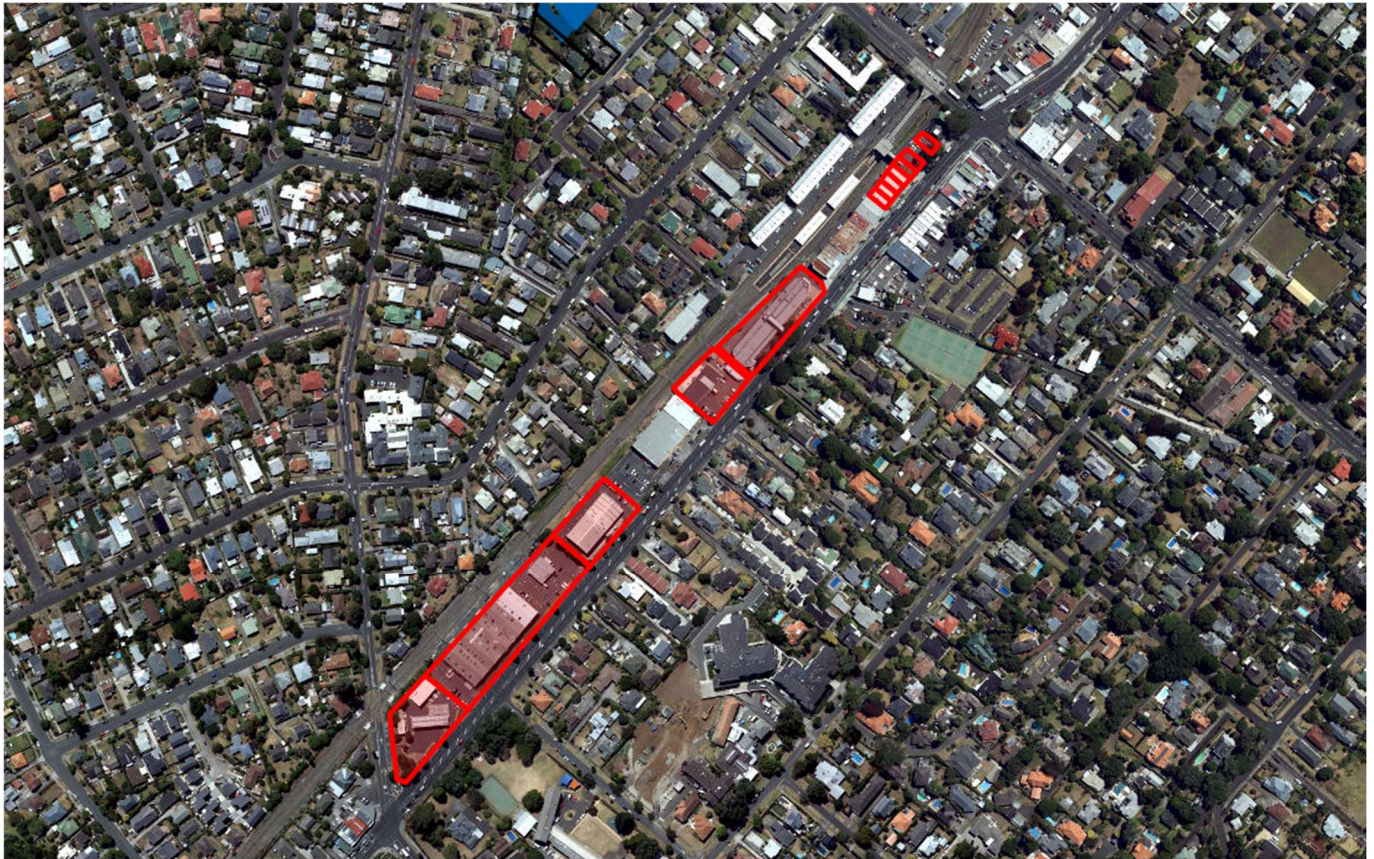
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<sup>1</sup> Page 9 of the report entitled ‘Section 32 Assessment Report’ by Shannon Fallon of Barker & Associates Limited dated 17 February 2021 (see Appendix 1).

<sup>2</sup> Pages 4-7 of the report entitled ‘Section 32 Assessment Report’ by Shannon Fallon of Barker & Associates Limited dated 17 February 2021 (see Appendix 1).

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the pattern of land ownership within the plan change area, with Tram Lease Limited's land holdings outlined in red.



**Figure 2 - Tram Lease Limited land ownership**

### **3. Existing Plan Provisions**

16. The plan change area includes land zoned as Business - Town Centre and Business - Mixed Use. The land zoned as Business - Town Centre is subject to the Height Variation Control allowing development of buildings up to 18m in height. The height limit for buildings within the Business - Mixed Use zone is 18m. Figure 3 below shows the zoning and Height Variation Control.
17. The plan change area is also subject to the following controls:
  - Macroinvertebrate Community Index - Urban
  - Building Frontage Control - Key Retail Frontage (911-945A New North Road)
  - Building Frontage Control - General Commercial Frontage (947-953 New North Road)
  - Vehicle Access Restriction Control - Adjacent to Level Crossings (975 New North Road only, part of Woodward Road frontage)
18. The following designations are of relevance:
  - Auckland Transport designation 1609 (Road Widening) (911 New North Road only)

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- The plan change area is adjacent to the KiwiRail designation 6300 (North Auckland Railway Line from Portage Road, Otahuhu to Ross Road, Topuni). This designation covers the length of the railway line and rail corridor, and includes ramp and pathway access to the street between 945A and 947 New North Road.



**Figure 3 - Zoning and Height Variation Control**

19. In addition, there are two overlays that apply to the plan change area:
  - Natural Resources: Quality Sensitive Aquifer Management Areas Overlay [rp] - Auckland Isthmus Volcanic
  - Natural Heritage: Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay [rcp/dp] - A13, Mount Albert, Viewshafts
20. Figures 4 and 5 below show the plan change area, in yellow, covered by the Regionally Significant Volcanic Viewshaft A13, and the full extent of the viewshaft with the origin point located on the north-western motorway (SH 16), next to the Te Atatū interchange on-ramps (see section 8.5 below for a full discussion of the impact of the Overlay).
21. The AUP (OP) identifies New North Road, Woodward Road and Carrington Road as arterial roads. As such, a Vehicle Access Restriction applies to all sites within the plan change area in accordance with standard E27.6.4.1(3)(c).
22. The rail corridor to the north of the plan change area is zoned Strategic Transport Corridor Zone.

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Figure 4 - Plan Change area

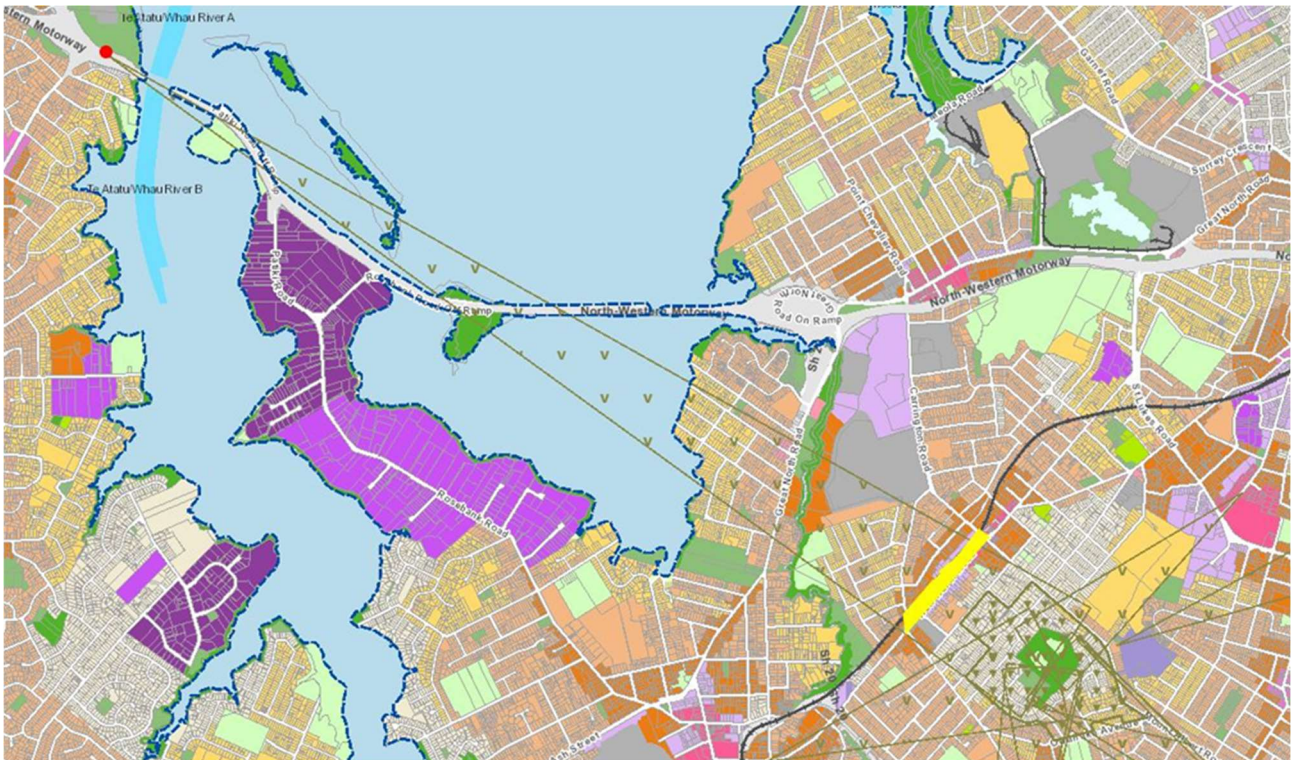


Figure 5 - Plan change area in relation to Viewshaft A13

#### 4. Proposed Plan Change Provisions

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23. The private plan change request by Tram Lease Limited seeks to amend the AUP (OP) GIS Maps to show an amended Height Variation Control over 911-953 New North Road and a new Height Variation Control over 955-975 New North Road and consequential changes to the text of the Auckland Unitary Plan in Table H10.6.1.1 and Table H13.6.1.2.
24. The request seeks to increase the Height Variation Control that applies to 911-953 New North Road from 18m to 24m (comprising 22m occupiable building height, with 2m height for roof form), and apply a Height Variation Control to 955-975 New North Road to enable buildings up to 24m (comprising 22m occupiable building height, with 2m height for roof form) in the AUP (OP).
25. The use of the Height Variation Control is an established tool within the AUP (OP). In Mount Albert, all land currently zoned Business - Town Centre has a corresponding Height Variation Control of 18m. In Mount Albert, all land currently zoned Business - Mixed Use has no Height Variation Control, with the 18m zonal height standard applying. The Height Variation Control tool does apply to other Mixed Use Zoned sites elsewhere in the AUP (OP) for example in Avondale.
26. In terms of the potential impact on development capacity, PPC 63, as notified, is supported by development scenarios that consider a residential-led development (scenario 1), and a mixed-use development (scenario 2). These high level development assumptions<sup>3</sup> indicate a total development capacity (based on an average of 83m<sup>2</sup> per dwelling) in the order of 1,131 dwellings across the plan change area for scenario 1, and 447 dwellings for scenario 2. These figures represent an increase of around 66 per cent additional residential development capacity when compared with the existing heights enabled by the AUP (OP).
27. TLL envisages PPC 63 will provide for the redevelopment of Mount Albert town centre by enabling intensive mixed use development. In both the Business - Town Centre and Business - Mixed Use zones, new buildings are classified as a restricted discretionary activity.
28. The site at 953 New North Road, within the plan change area of PPC 63, is subject to a further plan change request from TLL (Plan Change 64), that seeks to change the zoning from Business - Town Centre to Business - Mixed Use and remove the Building Frontage Control - General Commercial Frontage that currently applies to the site. This plan change is following the same timeframes as PPC 63 and will be heard at the same hearing. The height being sought by PPC 63 relates to the sites within the plan change area, rather than the zoning. Should both plan changes be approved, a Height Variation Control would apply to enable buildings up to 24m.
29. TLL has provided the following specialists' documents to support their private plan change request.

**Table 1: Information provided by the requestor for the private plan change**

Document title	Specialist	Date
Section 32 Assessment Report	Shannon Fallon Barker & Associates	17 February 2021
Supporting Documents for a Plan Change to the Unitary Plan (Site Context, Bulk and Massing Studies)	Jasmax	26 November 2020
Shadow Study	Jasmax	30 November 2020

<sup>3</sup> Page 30 of the report entitled 'Proposed change to Auckland Unitary Plan, New North Road, Mount Albert - Transport Assessment' by Anatole Sergejew and Todd Langwell of Traffic Planning Consultants Limited dated September 2020 (see Appendix 1)

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Private Plan Change Request, New North Road, Mt Albert, Urban Design Assessment (including Drawings Set)	Matt Riley Barker & Associates	30 November 2020
New North Road Private Plan Change, Landscape and Visual Effects Assessment (including Supporting Graphics)	Julia Wicks Boffa Miskell	25 November 2020
Proposed change to Auckland Unitary Plan, New North Road, Mount Albert - Transport Assessment	Anatole Sergejew Todd Langwell Traffic Planning Consultants Limited	September 2020
Development Application Form (Water Supply/Wastewater Planning Assessment)	Barker & Associates	26 November 2020
Civil Infrastructure Report	Maven Associates	25 November 2020
Wastewater Discharge	Maven Associates	26 November 2020
Consultation record (Sent and Received)	Barker & Associates	December 2020

## 5. Analysis of the section 32 report and any other information provided by the requestor

30. In accordance with s42A(1) of the RMA this report is prepared based on information provided on any matter by the requestor. In accordance with s42A(1A) this report does not need to repeat information included in the request, and instead under s42A(1B) may—
- adopt all of the information; or
  - adopt any part of the information by referring to the part adopted
31. Having carefully reviewed the requestor’s section 32 report I now set out those parts which I adopt and the parts which I disagree with.
32. The requestor’s s32 assessment is contained within section 10 of their report<sup>4</sup>. The assessment starts with an investigation of whether the objective of the plan change is the most appropriate way to achieve the purpose of the RMA. This section considers the themes of maximum height as well as the spatial extent of the plan change area. It is my view that the objectives of the Business Mixed Use and Business Town Centre zones give effect to the provisions of the Regional Policy Statement (RPS) and all cascading documents, so the question becomes whether the current objectives or the PPC 63 objective gives better effect.
33. In my view the current operative zone enabled height and HVC are appropriate for the location and spatial context. The Mount Albert town centre has been identified for growth and intensification in both the AUP (OP) and the Auckland Plan, and the current enabled height across the plan change area allows for a significant increase in both built form and development capacity (both residential and commercial) compared with the existing land use.
34. As discussed in paragraph 26 of this report, the additional height sought by PPC 63 could enable an increase in development capacity above what is currently enabled across the plan change area,

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<sup>4</sup> Pages 23 - 33 of the report entitled ‘Section 32 Assessment Report’ by Shannon Fallon of Barker & Associates Limited dated 17 February 2021 (see Appendix 1).



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representing in the order of an additional 450 dwellings<sup>5</sup>. If developed to the maximum extent, this would allow for increased intensification and result in a more efficient and effective use of this highly accessible land resource, that is already well served by supporting infrastructure and social and community facilities. With respect to the presence of the Volcanic Viewshafts Overlay, it is my view that this is the limiting factor on height and will consequently continue to ensure the protection of significant views to Ōwairaka and its natural and cultural heritage values. Therefore, at face value, the parts of the objectives of PPC 63 to:

*“... apply a 24m height limit to the properties at 911-975 New North Road, to increase the efficient and effective use of this highly accessible land within the Mount Albert town centre area...”*

are better than the current objectives of the operative zones which enable and anticipate a height of 18m, which is, in reliance on the expert economic advice, a less efficient and effective use of the land than the proposed 24m.

35. However, when looking at the PPC 63 objective as a whole, I note that while it specifically seeks to achieve the plan change aims of increasing height, the objective qualifies that intention by also seeking other outcomes:

*“... whilst achieving a quality built environment, maintaining the amenity values of the locality and avoiding intrusion into the identified viewshafts to Owairaka/Mt Albert. “*

36. I have investigated the degree to which PPC 63 enables a quality built environment, maintains amenity and avoids intrusion into viewshafts, in my Assessment of Environmental Effects below.

37. In summary I find that,

- with respect to the presence of the Volcanic Viewshafts Overlay, it is my view that this Overlay is a limiting factor on height and will consequently continue to ensure the protection of significant views to Ōwairaka and its natural and cultural heritage values.
- with respect to quality built environments and maintaining amenity, I rely on the assessment by Ms Ogden-Cork who disagrees with the requestor's assessment of shading effects to footpaths, and considers the additional shading created by PPC 63 to be a significant concern in relation to the amenity of the Mount Albert town centre. Ms Ogden-Cork considers these shading effects to be of most concern to the footpath in front of the BTC zoned properties on the eastern side of New North Road opposite 911-945 New North Road.

38. I therefore conclude that for the properties at 945A-975 New North Road, the objective of the plan change gives better effect to the purpose of the RMA, but for the properties at 911-945 New North Road, it is my view that that the tension between the two parts of the plan change objective cannot be sufficiently resolved and therefore the objectives of the BTC zone give better effect to the purpose of the RMA.

39. Turning to section 32(1)(b), it is my view that using the Height Variation Control, as proposed by PPC 63, is the most appropriate way to achieve the plan change objective. I consider that the 24m height limit and the consequent increase in development capacity at 945A-975 New North Road gives better effect to the RPS, allowing for a more efficient form of development and may contribute to the intensification signalled by both the RPS and lower order policies, in terms of Objective B2.2.1(1) seeking a quality compact urban form and Objective B2.2.1(3) seeking sufficient development capacity to accommodate residential, commercial and industrial growth, and

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<sup>5</sup> See the report entitled 'Proposed change to Auckland Unitary Plan, New North Road, Mount Albert - Transport Assessment' by Anatole Sergejew and Todd Langwell of Traffic Planning Consultants Limited dated September 2020 (see Appendix 1)

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specifically Policy B2.2.2(5) to enable higher residential intensification in and around centres, along identified corridors and close to public transport, social facilities and employment opportunities and Policy B2.5.2(2) which seeks to support the function, role and amenity of centres by ensuring development in centres contributes to an attractive and efficient urban environment and high-quality street environments.

40. However, for the properties at 911-945 New North Road, I find that the status quo is the best method to achieve the existing operative objectives of the BTC zone. In making this finding I acknowledge the BTC objectives which seek to enable development in accordance with the hierarchy of centres and also that H10.3(13) enables greater building height than the standard zone height in situations where appropriate. However this is qualified by H10.3(13)(b) which requires consideration of whether additional height contributes to centre vitality and vibrancy. In my view, for the properties at 911-945 New North Road, and their potential for shading to the opposite footpath, it does not.
41. I also acknowledge BTC objectives and policies which seek:
  - to manage adverse effects on the environment, including effects on residential amenity (Objective H10.2(4)(c)),
  - that seek that town centres are an attractive place to live, work and visit with vibrant and vital commercial, entertainment and retail areas (Objective H10.2(8)), and
  - that require development to be of a quality and design that positively contributes to the visual quality and interest of streets and pedestrian amenity (Policy H10.3(3)(b) and (c),
42. The BTC zone objectives and policies cascade from the RPS level objectives and policies which also seek to achieve quality built environments, vibrant and vital centres, an attractive and efficient urban environment with a distinctive sense of place and quality public places and high-quality street environments. I discuss these objectives and policies in more detail below in section 7.6 of my report.
43. I have read the requestor's assessment of s32(1)(b) and in particular the alternative options set out in section 10.3.1 of their report. Considering the potential options for maximum height of the plan change area, the requestor has presented:
  - Option 1: Status quo (Business - Mixed Use (BMU) and Business - Town Centre (BTC) with an 18m Height Variation Control)
  - Option 2: Align the Height Variation Control with the Volcanic Viewshaft Overlay
  - Option 3: Apply a 24m Height Variation Control across the Plan Change area.
44. Option 2 considers a more context responsive approach, aligning the HVC with the Volcanic Viewshafts Overlay contours. While there are some instances of the HVC being applied to part sites and part blocks in locations in Newmarket, Panmure and Highbury centres, I agree that it is not reasonably practical in this location. It is my view that the characteristics of the contour pattern applying to the land within the plan change area, and the larger site sizes result in this approach being less practicable and, I agree, would contribute to unnecessary complexity in interpretation of the plan.
45. I agree that the 24m height limit is already anticipated for Business - Town Centre and Business - Mixed Use land elsewhere, although this is only evident at a single location, Greenlane town centre, where a specific 24m Height Variation Control applies. However the Height Variation Control tool applies a variety of heights across the region ranging from 13m to 50m.
46. In terms of the spatial extent of the plan change area, the requestor considered the following options:

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- Option 1: Apply 24m Height Variation Control to all of the land zoned Business - Town Centre.
  - Option 2: Apply 24m Height Variation Control to all of the land zoned Business - Town Centre and the Business - Mixed Use on the eastern side of New North Road.
  - Option 3: (Plan Change) Apply 24m Height Variation Control to the Plan Change area.
47. The requestor presents valid arguments for limiting the spatial extent to the land to the north-west of New North Road, confirming that a significant amount of the land is owned by TLL, is generally in larger parcels, and is less fragmented than the sites on the south-eastern side of New North Road, with clear opportunities for comprehensive redevelopment. Additionally, the opportunity to increase the maximum height on the eastern side of New North Road within the Business Town Centre Zone (Option 1) would be limited by the A13 viewshaft that passes over most of that area at heights of approximately 18m-21m, making any proposed increase in height to 24m in the Business Town Centre Zone on the eastern side of New North Rd obsolete for most sites. Option 2 considers further extending a 24m HVC to all land zoned BTC and the BMU zoned land on the south-eastern side of New North Road. I agree with the requestor's conclusions that this approach could erode the awareness of the underlying landform's gradual slope up towards the tihī of Ōwairaka, and does not respond well to the surrounding residential context.
48. As discussed above, I rely on the assessment of Ms Ogden-Cork who identifies shading from an increased building height of up to 24m from the properties at 911-945 New North Road, will result in a greater amount of shading to the footpath on the opposite (south-eastern) side of New North Road, directly in front of the properties at 910-980 New North Road. The shading diagrams<sup>6</sup> provided by the requestor demonstrate that the increase in enabled height from 18m to 24m would reduce the amount of sunlight to the footpath by about 1-2 hours a day, in particular from 12/12.30pm in June instead of from 2pm, from 3pm in September instead of from after 4pm, and from 4pm in December instead of from after 5pm. She finds that these are key times of the day where sunlight supports commercial viability (for hospitality) but also supports an attractive and enjoyable amenity for people walking or cycling home from school or work.
49. Ms Ogden-Cork concludes that with increasing intensification of the wider Mount Albert centre, the quality of the pedestrian environment and public realm becomes even more important, and ensuring the provision of sunlight to key areas in the town centre at important times of day, will encourage interaction and vibrancy of use. I find agreement with Ms Ogden-Cork that the likely reduction in town centre vibrancy, amenity and quality from PPC 63 as notified, therefore does not support the objectives of the BTC zone, nor the RPS which require a high quality public realm to support intensification.
50. Therefore, I have concluded that the proposed HVC height limit of 24m for the properties at 945A-975 New North Road gives better effect to the objective of PPC 63 and in principle to the objectives and policies contained in B2.2-B2.5 of the RPS (as discussed in Section 7.6 in this report) and that an additional 6m of height at 945A-975 New North Road would be consistent with the RPS urban growth and form objectives as set out in Option 3 of the requestor's analysis. However, in respect of the spatial extent of the plan change area, I find that the status quo (Option 1) and existing objectives of the BTC zone, give better effect to the RPS and the purpose of the RMA for the properties at 911-945 New North Road, based on the modelling provided by the requestor and advice from Ms Ogden-Cork. I therefore agree, in part only, with the findings of the alternative options set out in the requestor's section 32 assessment.

## 6. Hearings and decision-making considerations

51. Clause 8B of Schedule 1 of RMA requires that a local authority shall hold hearings into submissions on private plan changes.

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<sup>6</sup> Report entitled 'Shadow Study' prepared by Jasmax dated 30 November 2020 (see Appendix 1)

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52. Auckland Council’s Combined Chief Executives’ Delegation Register delegates to hearing commissioners all powers, duties and functions under the Resource Management Act 1991. This delegation includes the authority to determine decisions on submissions on a plan change, and the authority to approve, decline, or approve with modifications, a private plan change request. Hearing Commissioners will not be recommending a decision to the council, but will be issuing the decision.
53. In accordance with s42A(1), this report considers the information provided by the applicant and summarises and discusses submissions received on PPC 63. It makes recommendations on whether to accept, in full or in part; or reject, in full or in part; each submission. This report also identifies what amendments, if any, can be made to address matters raised in submissions. This report makes a recommendation on whether to approve, decline, or approve with modifications PPC 63. Any conclusions or recommendations in this report are not binding to the Hearing Commissioners.
54. The Hearing Commissioners will consider all the information submitted in support of the proposed plan change, information in this report, and the information in submissions, together with evidence presented at the hearing.
55. This report has been prepared by the following author(s) and draws on technical advice provided by the following technical experts:

**Table 2: Specialist input into s42A report**

Area of expertise	Authors
Planning	Clare Wall Shaw, Senior Policy Planner, Central South Unit, Plans and Places, Chief Planning Office, Auckland Council
Planning	Todd Elder, Policy Planner, North, West and Islands Unit, Plans and Places, Chief Planning Office, Auckland Council
Urban Design	Tracy Ogden-Cork, Director, Motu Design Limited
Landscape and Visual Effects	Peter Kensington, Planner and Landscape Architect, Kensington Planning and Landscape Consultants Limited
Transport	Mat Collins, Associate, Flow Transportation Specialists Limited

56. The technical reports provided by the above experts are attached in Appendix 5 of this report.

## **7. Statutory and policy framework**

57. Private plan change requests can be made to the Council under clause 21 of Schedule 1 of the RMA. The provisions of a private plan change request must comply with the same mandatory requirements as Council initiated plan changes, and the private plan change request must contain an evaluation report in accordance with section 32 and clause 22(1) in Schedule 1 of the RMA.
58. Clause 29(1) of Schedule 1 of the RMA provides “except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b)”.
59. The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. There are slightly different statutory considerations if the plan change affects a regional plan or district plan matter.

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- 60. PPC 63 covers matters that are related to both the regional and district plan parts of the Auckland Unitary Plan.
- 61. The following sections summarise the statutory and policy framework, relevant to PPC 63.

## 7.1 Resource Management Act 1991 - Regional and district plans

### Plan change matters - regional and district plans

- 62. In the development of a proposed plan change to a regional and/ or district plan, the RMA sets out mandatory requirements in the preparation and process of the proposed plan change. Table 3 below summarises matters for plan changes to regional and district plan matters.

**Table 3: Plan change matters relevant to regional and district plans**

Relevant Act/Policy/Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 32	Requirements preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal
Resource Management Act 1991	Section 80	Enables a 'combined' regional and district document. The Auckland Unitary Plan is in part a regional plan and district plan to assist Council to carry out its functions as a regional council and as a territorial authority
Resource Management Act 1991	Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities

- 63. The mandatory requirements for plan preparation are comprehensively summarised by the Environment Court in *Long Bay-Okura Great Park Society v North Shore City Council*, Environment Court Auckland A078/2008, 16 July 2018 at [34] and updated in subsequent cases including *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55 at [17]. When considering changes to district plans, the RMA sets out a wide range of issues to be addressed. The relevant sections of the RMA include sections 31-32 and 72-76 of the RMA.
- 64. The tests are the extent to which the objective of PPC 63 is the most appropriate way to achieve the purpose of the Act (s32(1)(a)) and whether the provisions:
  - accord with and assist the Council in carrying out its functions (under s 31) for the purpose of giving effect to the RMA;
  - accord with Part 2 of the RMA (s 74(1)(b));
  - give effect to the AUP regional policy statement (s 75(3)(c));
  - give effect to any national policy statement (s 75(3)(a));
  - have regard to the Auckland Plan 2050 (being a strategy prepared under another Act (s 74(2)(b)(i));
  - have regard to the actual or potential effects on the environment, including, in particular, any adverse effect (s 76(3));
  - are the most appropriate method for achieving the objectives of the AUP, by identifying other reasonably practicable options for achieving the objectives (s 32(1)(b)(i)); and by assessing their efficiency and effectiveness (s 32(1)(b)(ii)); and:

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- identifying and assessing the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
  - i. economic growth that are anticipated to be provided or reduced (s 32(2)(a)(i)); and
  - ii. employment that are anticipated to be provided or reduced (s 32(2)(a)(ii));
- if practicable, quantifying the benefits and costs (s 32(2)(b)); and
- assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (s 32(2)(c)).

65. Under section 74(1)(e) the decision maker must also have particular regard to the section 32 evaluation report prepared in accordance with s 32 (s 74(1)(e)).

## 7.2 Resource Management Act 1991 - regional matters

66. There are mandatory considerations in the development of a proposed plan change to regional matters. PPC 63 is not proposing any changes to regional provisions of the AUP (OP). While the development of the site may require consideration under some regional rules, there are no changes proposed to those rules. An assessment of the operative regional provisions relevant to PPC 63 are discussed in section 7.6 below.

## 7.3 Resource Management Act 1991 - district matters

67. There are mandatory considerations in the development of a proposed plan change to district plans and rules. Table 4 below summarises district plan matters under the RMA, relevant to PPC 63.

**Table 4: Plan change - district plan matters under the RMA**

Relevant Act/Policy/Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 31	Functions of territorial authorities in giving effect to the Resource Management Act 1991
Resource Management Act 1991	Section 73	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan
Resource Management Act 1991	Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA, national policy statement, other regulations and other matter
Resource Management Act 1991	Section 75	Outlines the requirements in the contents of a district plan
Resource Management Act 1991	Section 76	Outlines the purpose of district rules, which is to carry out the functions of the RMA and achieve the objective and policies set out in the district plan. A district rule also requires the territorial authority to have regard to the actual or potential effect (including adverse effects), of activities in the proposal, on the environment

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## 7.4 National Policy Statements

68. The relevant national policy statements (NPS) must be considered in the preparation, and in considering submissions on PPC 63.
69. Table 5 below summarises the NPS that applies to PPC 63.

**Table 5: National Policy Statements relevant to PPC 63**

Relevant Act/Policy/Plan	Section	Matters
National Policy Statement - Urban Development 2020	Objective 1	Well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future
National Policy Statement - Urban Development 2020	Objective 3	Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment
National Policy Statement - Urban Development 2020	Policy 1	Planning decisions contribute to well-functioning urban environments
National Policy Statement - Urban Development 2020	Policy 3	In relation to tier 1 urban environments, plans enable increased building height and density
National Policy Statement - Urban Development 2020	Policy 6	Matters for decision-makers to have particular regard to when making planning decisions that affect urban environments

70. The National Policy Statement on Urban Development 2020 (NPS UD) seeks to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of diverse communities. It also seeks to remove barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure.
71. The requestor provides an assessment against the NPS UD in section 6.1.2 of their report<sup>7</sup>. They state that Policy 3(c) is of particular relevance to the plan change as it requires that Tier 1 councils have regional policy statements and district plans that enable building heights of at least six storeys within at least a walkable catchment of existing and planned rapid transit stops, and the edge of city centre and metropolitan centre zones.
72. The requestor states that the plan change is completely in keeping with the direction of the NPS UD as:

*"The Plan Change area is located within walking distance of the Mount Albert train station (the furthest property within the Plan Change area being 955 New North Road, which is located just an 11-minute walk from the station) and is also well serviced by the bus network."*

and

<sup>7</sup> Page 10 of the report entitled 'Section 32 Assessment Report' by Shannon Fallon of Barker & Associates Limited dated 17 February 2021 (see Appendix 1).

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*“The Plan Change provides for increased development capacity therefore ensuring the efficient use of this highly accessible land and promoting development that encourages the use of public transport.”*

73. Auckland Council is categorised as a tier 1 local authority and therefore must enable building heights of at least six storeys within at least a walkable catchment of existing and planned rapid transit stops. The Mount Albert train station is an existing rapid transit stop and the plan change area would appear, without detailed analysis, to lie within a reasonable walking distance of the train station.
74. The NPS UD (Objective 3) expects that Regional Policy Statements and district plans will be amended to enable more people to live in, and more businesses and community services to be located in or near a centre zone or other area with many employment opportunities that is well-served by existing or planned public transport and there is high demand for housing or for business land in the area, relative to other areas within the urban environment, subject to assessment of various ‘qualifying matters’. Council has begun work on how it will take forward the outcomes set out in Objective 3 and Policy 3.
75. In the Environment Court decision *Eden Epsom Residents Protection Society Inc v Auckland Council* [2021] NZ EnvC 082, Judge Newhook held that the court is not required to give effect to NPS UD objectives and policies in assessing private plan changes until Council had implemented its (Schedule 1) plan changes to respond to implement it. While that decision relates to the court, I consider these objectives and policies, in particular Policy 3(c), to be of relevance and believe it is appropriate for them to be considered when assessing PPC 63. An extract of all of the NPS-UD objectives and policies are provided in Appendix 6; and a copy of the Environment Court’s decision is provided as Appendix 7.
76. The Council is taking a comprehensive approach to giving effect to the NPS UD intensification requirements, in accordance with the timeframes specified for this by the Government (i.e., by August 2022, being two years after the commencement date of the NPS-UD) and is currently investigating whether there is further scope for urban intensification. As a result, PPC 63 is being considered before the implementation of the NPS UD and any intensification plan changes are notified.
77. Having turned my mind to the Court identified relevant objectives of the NPS UD, I consider that PPC 63 gives effect to Objective 3, that requires regional policy statements and district plans to enable more people to live in, and more businesses and community services to be located in areas of an urban environment in which one or more of the following apply; (a) the area is in or near a centre zone or other area with many employment opportunities, (b) areas of an urban environment where the area is well-served by existing or planned public transport, (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment. Given the Mount Albert town centre already provides significant opportunities for intensification, and meets the tests set out in Objective 3 (a), (b) and (c), I consider that both the operative zoning and PPC 63 give effect to the NPS UD.
78. With regard to the Court identified relevant policies of the NPS UD, I consider that both the operative provisions and PPC 63, as modified by my recommendations set out in Appendix 9 to this report, will give effect to Policy 1(a) to (f) as the future development the plan change will enable will:
  - contribute to a well-functioning urban environment enabling of a variety of homes that meet the needs of different households as sought by Policy 1(a)(i) and (ii); and
  - enable a variety of sites that are suitable for different business sectors as sought by Policy 1(b);



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- have good accessibility for all people between housing, jobs community services, natural spaces, and open spaces, including by way of public and active transport as sought by Policy 1(c);
  - enable high density development that is well located with good access to active and public transport options and reduced car dependence which is likely to support reductions in greenhouse gas emissions as sought by Policy 1(e); and
  - likely be resilient to the current and future effects of climate change as sought by Policy 1(f).
79. I consider that it is difficult for PPC 63 to give effect to the requirement of Policy 6(a) and (b) with regard to development capacity and the planned urban built form anticipated by those RMA planning documents that have given effect to the NPS UD because those planning documents have not yet been notified.
80. I consider that PPC 63, as modified by my recommendations set out in Appendix 9 to this report, gives effect to Policy 6(c) in so far as it gives effect to Objective 1 and gives effect to Policy 6(d) and 6(e) by providing for an increased level of intensification, by realising development capacity in an area with existing high levels of public transport accessibility and good access to active modes. This will contribute to a more efficient land use system that results in fewer emissions per capita compared with urban development not served by public transport.
81. I consider that PPC 63, as modified by my recommendations set out in Appendix 9 to this report, will contribute to a well-functioning urban environment in the short-medium term and long term. The requestor's transport assessment finds that the plan change can be accommodated by the transport network without compromising its function, capacity, or safety.
82. Council's transport specialist (Mat Collins - Flow Transportation Specialists) finds that the long-term intent for the New North Road corridor is to focus on enabling walking, cycling and public transport, and this focus will be supported by, and in turn supports PPC 63. Further, the relevant objectives and policies of the Unitary Plan point to PPC 63 enabling the "right" type of intensification in the "right" location.<sup>8</sup>
83. In my view PPC 63, as modified by my recommendations set out in Appendix 9 to this report, will give effect to the NPS UD as required by s75(3)(a) of the RMA within the parameters established by the Environment Court decision - *Eden Epsom Residential Protection Society Incorporated v Auckland Council* [2021] NZEnvC 082.

## **7.5 National environmental standards or regulations**

84. Under section 44A of the RMA, local authorities must observe national environmental standards in its district/ region. No rule or provision may be duplicate or in conflict with a national environmental standard or regulation.
85. There are no relevant national environmental standards or regulations relevant to this plan change.

## **7.6 Auckland Unitary Plan**

86. For a plan change, the relevant policy statement and plans must be considered in the preparation of the plan change and in the consideration of submissions. Table 6 contains the relevant sections of the RPS and DP applicable to PPC 63.

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<sup>8</sup> PPC63 - 911 - 975 New North Road, Mount Albert, Transportation Hearing Report by Mat Collins of Flow Transportation Specialists, dated March 2022 (see Appendix 5)

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**Table 6: Relevant regional policy statements and district provisions of Auckland Unitary Plan**

Relevant Act/Policy/Plan	Section	Matters
Auckland Unitary Plan - Regional Policy Statement	B2.2	Urban growth and form
Auckland Unitary Plan - Regional Policy Statement	B2.3	A quality built environment
Auckland Unitary Plan - Regional Policy Statement	B2.4	Residential growth
Auckland Unitary Plan - Regional Policy Statement	B2.5	Commercial and industrial growth
Auckland Unitary Plan - Regional Policy Statement	B2.7	Open space and recreation facilities
Auckland Unitary Plan - Regional Policy Statement	B2.8	Social facilities
Auckland Unitary Plan - Regional Policy Statement	B3.2	Infrastructure
Auckland Unitary Plan - Regional Policy Statement	B3.3	Transport
Auckland Unitary Plan - Regional Policy Statement	B4.2	Outstanding natural features and landscapes
Auckland Unitary Plan - Regional Policy Statement	B4.3	Viewshafts
Auckland Unitary Plan - district provisions	D14	Volcanic Viewshafts and Height Sensitive Areas Overlay
Auckland Unitary Plan - district provisions	E27	Transport
Auckland Unitary Plan - district provisions	H10	Business - Town Centre Zone
Auckland Unitary Plan - district provisions	H13	Business - Mixed Use Zone

87. The requestor provided an assessment against the objectives and policies of the AUP (OP) RPS in Appendix 3 to the Section 32 Assessment Report. Specifically, they identify with the following key issues of relevance to PPC 63:

- B2.2 Urban growth and form
- B2.3 A quality built environment
- B4.2 Outstanding natural features and landscapes
- B4.3 Viewshafts

88. The requestor states that the plan change is consistent with the policy direction of the RPS, with the assessment demonstrating that the plan change will give effect to the RPS. Specifically, the requestor concludes that:

- The Plan Change will provide for a quality, compact urban form by making efficient use of centre land and mixed use land adjoining a town centre which is well serviced by public transport. The increased height will enable a significant increase in commercial or residential floor area within and adjoining the Mount Albert Town Centre and on land adjoining the Mount Albert Train Station and the frequent transit network that runs along New North Road. The increased height limit also enables more commercial and residential capacity within walking distance to Unitec, Gladstone Primary School, Elim Christian College, Marist Primary School and College, Mount Albert Grammar and Mount Albert School and Ōwairaka /Mount Albert

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Domain. This provides for a significant increase in the efficient utilisation of a land resource and existing infrastructure. Additionally, enabling greater opportunity for the co-location of commercial and residential uses reduces the pressure on transport infrastructure.

- The Plan Change responds to the physical characteristics of the site and area, including its setting through enabling redevelopment of the Plan Change Area which will help to reinforce the status of Mount Albert as a Town Centre. The southern portion of the Plan Change area consists of development with poor street frontage which doesn't contribute to the pedestrian amenity outcomes sought in town centres. While the strip retail development within the northern portion of the Plan Change area is an improvement it is interspersed with at grade carparking which detracts from the vibrancy and safety of the streetscape. The redevelopment of this area presents an opportunity to achieve quality built environment objectives and contribute to an increased level of amenity within the Mount Albert town centre. A design assessment is required for all new buildings within the Town Centre and Mixed Use zones. The standards and criteria anticipate buildings over 27m therefore these can be appropriately applied to buildings utilising the 24m height limit proposed as part of this Plan Change.
  - The Ōwairaka (Mount Albert) volcanic cone lies 650m to the south-east of the Mount Albert Town Centre and is scheduled in the AUP (OP) as an Outstanding Natural Feature (ONF). The objectives and policies within Chapter B4.2 seek to protect ONFs from inappropriate subdivision, use and development, recognise and provide for the ancestral relationships of Mana Whenua with these features and landscapes and protect the visual and physical integrity of Auckland's volcanic features. The Plan Change will not physically effect Ōwairaka and the regionally significant viewshaft will be preserved. The Visual Effects Assessment prepared by Boffa Miskell finds that from Ōwairaka the Plan Change will not visually interrupt the backdrop of the urban context, Whau River or the Waitakere Ranges.
  - The Plan Change is consistent with this policy direction because although the proposed height limit does exceed the viewshaft in some instances, this height limit will not be realised as Rule C1.6(2) ensures that the overall activity status of a proposal is that of the most restrictive rule. Therefore, any proposal to protrude into Viewshaft A13 Mount Albert will continue to trigger a non-complying activity status, despite compliance with the Height Variation Control. The Plan Change does not propose to amend this rule and consequently, allows this regionally significant view of Mount Albert/Ōwairaka to be preserved.
89. In my opinion, with regard to the properties at 945A-975 New North Road, I find that applying the HVC of 24m will give effect to the RPS by allowing for a quality compact urban form, allowing higher levels of intensification (both residential and commercial) and urban growth, in and adjacent to an existing town centre that is well located with good access to the Mount Albert train station and existing frequent bus services along New North Road, and Mount Albert Road/Carrington Road.
90. Applying a 24m HVC to the properties at 945A-975 New North Road has the potential to enable a range of built form and housing capacity, supporting choice and meeting the needs and lifestyles of Auckland's diverse population in an area which is well-located to support an increase in housing capacity, with a range of social facilities, employment options supported by frequent public transport services and good active transport networks.
91. In my view, applying a HVC of 24m to the properties at 945A-975 New North Road will not impact adversely on the objectives and policies in B4.2 or B4.3 as while the plan change may result in a greater degree of built form and mass within the landscape, there is unlikely to be disturbance to the visual integrity of the maunga, and the plan change will not affect the physical integrity of the maunga. The presence and retention of the Regionally Significant Volcanic Viewshafts Overlay - A13 will mean the views to and between the maunga will continue to be protected from

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inappropriate development, and the visual character, identity and form of the maunga will be retained. In relation to future development proposals that seek to intrude beyond the viewshaft plane, these activities would be categorised as non-complying activities and would require public notification in accordance with D14.4.1(A6).

- 92. However, in my opinion, applying a 24m HVC to the properties at 911-945 New North Road would be contrary to Objective B2.3.1(1), Policies B2.3.2(1), B2.3.2(4), B2.5.2(2), Objectives H10.2(2), H10.2(3) and H10.2(8) and Policies H10.3(3), H10.3(13), H10.3(16) and H10.3(17). I have concluded therefore, that PPC 63, as notified, does not give effect to a quality built environment, nor does it manage form and design of development to support the planned future environment to achieve a high level of amenity for pedestrians, or attractive quality public places and high quality street environments. I have relied on the advice of Ms Ogden-Cork in forming these views and set out my reasoning in section 8.1 below.
- 93. I recommend applying the 24m HVC only to the properties at 945A-975 New North Road and keeping the status quo for the properties at 911-945 New North Road. I therefore consider that PPC 63, as modified by my recommendations set out in Appendix 9 to this report, gives effect to the relevant RPS and District Plan provisions in the AUP (OP).

**7.7 Other relevant legislation**

- 94. In considering a plan change, a territorial authority must have considered any regulation that is relevant to a regional or district plan change. I have considered the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and found that it does not directly affect PPC 63.

**7.8 The Auckland Plan 2050**

- 95. In considering a plan change, a territorial authority must have regard to plans and strategies prepared under other Acts.
- 96. The Auckland Plan, prepared under section 79 of the Local Government (Auckland Council) Act 2009 is a relevant strategy document that council should have regard to in the preparation of PPC 63.
- 97. Table 7 summarises the relevant sections of the Auckland Plan to PPC 63.

**Table 7: Relevant sections of the Auckland Plan**

Relevant Act/Policy/Plan	Outcome	Matters
Auckland Plan	Homes and Places	Direction 1: Develop a quality compact urban form to accommodate Auckland’s growth Direction 2: Accelerate the construction of homes that meet Aucklanders’ changing needs and preferences Direction 4: Provide sufficient public places and spaces that are inclusive, accessible and contribute to urban living Focus Area 1: Accelerate quality development at scale that improves housing choices Focus Area 5: Create urban places for the future

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Auckland Plan	Transport and Access	Direction 2: Increase genuine travel choices for a healthy, vibrant and equitable Auckland Direction 3: Maximise safety and environmental protection Focus area 1: Make better use of existing transport networks Focus area 4: Make walking, cycling and public transport preferred choices for many more Aucklanders Focus area 5: Better integrate land-use and transport decisions
Auckland Plan	Environment and Cultural Heritage	Direction 1: Ensure Auckland’s natural environment and cultural heritage is valued and cared for
Auckland Plan	Our Development Strategy	Building strong urban centres and neighbourhoods

98. I consider that PPC 63, as modified by my recommendations set out in Appendix 9 to this report, is consistent with the outcomes set in the Auckland Plan, because:

- In relation to Homes and Places:
  - 1) The plan change supports a compact urban form as expressed in the Development Strategy, which includes opportunities for more intensive living and working environments, and for more housing to be built around areas of activity and close to good transport options.
  - 2) Additional height sought by the plan change would allow for increased capacity for growth.
  - 3) The form of housing enabled by the plan change is likely to be apartment stock and will complement the existing housing choices available in the local area.
- In relation to Transport and Access:
  - 1) The plan change request seeks to enable an increased intensity of development in a location with good access to public and active transport options. This would allow for more travel choices for future residents and workers.
  - 2) Recent and ongoing investment in the New North Road corridor and surrounding area has focused on delivering safety benefits and encouraging mode shift to limit greenhouse gas emissions
  - 3) Further enabled development capacity would take advantage of and integrate with recent and current investment in transport infrastructure, including rail, pedestrian and cycling infrastructure.
- In relation to Environment and Cultural Heritage:
  - 1) The plan change seeks to allow additional height that interrupts the Regionally Significant Volcanic Viewshaft A13. This identified and protected view to Ōwairaka / Te Ahi-kā-a-Rakataura / Mount Albert. This direction states we must actively seek

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opportunities to protect and enhance the benefits and values associated with the natural environment in both short and long-term decisions.

### **Our Development Strategy**

99. The Development Strategy promotes a quality compact approach to growth and development in Auckland. Broadly speaking, this means that most growth will occur in existing areas rather than rural areas; and in places accessible to public transport and active transport, within walking distance to centres, employment and other amenities, and in a manner that maximises the efficient use and is supported by necessary infrastructure at the right place and time.
100. The Development Strategy primarily seeks to achieve this by:
- a) Sequencing what gets delivered, including directing planning and investment to areas where the greatest development capacity is taken up;
  - b) Aligning the timing of infrastructure provision with development, particularly by identifying the timing and location of expansions to infrastructure networks in future urban areas; and
  - c) Ensuring there is an ongoing supply of development capacity to meet demand as defined by the National Policy Statement on Urban Development Capacity<sup>9</sup>, including in the short, medium and long term.
101. The plan change area is located in an identified Development Area (Mount Albert) with development growth anticipated in Years 4 to 10 (2022 to 2028). This is supported by the development strategy identifying the area as becoming more market attractive after the completion of the City Rail Link, which will improve accessibility to and from Mount Albert.
102. The additional development capacity sought by the plan change will support both the quality compact urban form, and contribute to the expected level of growth in the Mount Albert Development Area.
103. In my view, PPC 63, as modified by my recommendations set out in Appendix 9 to this report, is consistent with the directions of the Auckland Plan, including the outcomes sought in regard to homes and places, and transport and access, environment and cultural heritage, and the quality compact urban form sought by the development strategy.

### **7.9 Any relevant management plans and strategies prepared under any other Act**

104. Other relevant plans and strategies considered under PPC 63 is summarised in Table 8 below.

**Table 8: Any relevant management plans and strategies prepared under any other Act**

Relevant Act/Policy/Plan	Section	Matters
Tūpuna Maunga Integrated Management Plan	8.7	Takotoranga Whenua / Landscape Value
Albert-Eden Local Paths (Greenways) Plan 2018	Maps	Carrington Road and Mount Albert Road identified as an 'express commute' path, linking Wairaka to Morningside

<sup>9</sup> Brought forward into the NPS-UD

Albert-Eden Local Board Plan 2020	Outcome two	Identifies the iconic natural features in the local board area including Ōwairaka / Te Ahi-kā-a-Rakataura / Mount Albert.
Albert-Eden Local Board Plan 2020	Outcome four	Continue to plan for a civic square in Mount Albert by the entrance to the train station.
Albert-Eden Local Board Plan 2020	Outcome five	Mount Albert is identified as an area experiencing significant change. The Albert-Eden local board will advocate for adequate open space and community services in locations of intensification.

### Tūpuna Maunga Integrated Management Plan

105. The Tūpuna Maunga Integrated Management Plan (TMIMP) sets out the Tūpuna Maunga Authority’s long-term vision for the Tūpuna Maunga and establishes the direction for protection, restoration, enhancement and appropriate use of the Tūpuna Maunga. The TMIMP identifies that:

*‘The Tūpuna Maunga are among the most significant spiritual, cultural, historical, archaeological and geological landscapes in the Auckland region. The Tūpuna Maunga are sacred to mana whenua as taonga tuku iho (treasures handed down the generations). Ngā Mana Whenua therefore secured the statutory requirement for an IMP to ensure the future of each of these treasured places will be organised with equal consideration and reverence.’*

106. The TMIMP also notes that:

*4.10 The Tūpuna Maunga are revered by all peoples for their multiple layers of cultural, natural and built heritage. As Auckland continues to grow and intensify, the Tūpuna Maunga are increasingly important as spiritual and aesthetic anchors for all Auckland communities, and as valuable open spaces and places of refuge in an urban landscape. They will continue to be celebrated, treasured and valued for their defining heritage features and importance in shaping the character and identity of Tāmaki Makaurau.*

*4.11 Auckland’s key point of difference in the world is its unique Māori identity, with the Tūpuna Maunga being a tangible reminder of mana whenua occupation of Auckland over a millennia.*

107. The TMIMP sets out values and pathways to achieve the integrated outcomes for all the Tūpuna Maunga. The values provide the tika (correct) framework for the care and protection of the Tūpuna Maunga, while the pathways elaborate and give tangible expression to the values. Together they are considered to be the guiding principles and objectives that set the direction for the Tūpuna Maunga Authority to protect and care for the Tūpuna Maunga and provide a crucial framework for decision-making.

108. Of specific relevance to this plan change is the value of Takotoranga Whenua / Landscape. The TMIMP states the following at section 8.7:

- *The Tūpuna Maunga are among the most treasured and distinctive connected landscape features of Tāmaki Makaurau that are both natural and modified. The Tūpuna Maunga create and contribute to Aucklanders sense of pride, ‘place’ and home.*
- *The ability to view these taonga from all over Auckland - the most populated part of New Zealand - and from other maunga is valued for this reason. The Tūpuna Maunga are a place to see and experience other parts of Tāmaki Makaurau.*

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- *The significance of the Tūpuna Maunga to mana whenua and all Aucklanders creates an opportunity to ensure the protection and enhancement of the physical and visual integrity of these natural features in the surrounding urban environment. Their significance includes the distinctive and impressive earthworks such as terracing, rua (storage pits), and defences, which are characteristic of pā on the maunga. These reflect the extent and nature of past use and occupation of the Tūpuna Maunga by mana whenua, and are of exceptional archaeological significance both nationally and internationally.*
- *The Tūpuna Maunga are a part of the naturally preserved, young, monogenetic basaltic volcanic field in Aotearoa/New Zealand. They are the most visible reminder to people of the volcanic field on which we live, and are important to our understanding of Auckland's geological history.*

109. The pathways associated with the value of Takotoranga Whenua / Landscape of relevance to PPC 63 are:

- *Protect the integrity of the landscape of the Tūpuna Maunga*
- *Preserve the visual and physical authenticity and integrity of the Maunga as landmarks of Tāmaki*

110. The preservation and integrity of the Regionally Significant Volcanic Viewshaft A13 and the associated overlay will support the values and pathways identified in the TMIMP in relation to preserving landscape values.

111. The requestor has not provided a specific assessment of PPC 63 as it may relate to the TMIMP. However, this report considers the content of the Landscape and Visual Effects Assessment prepared by Ms Julia Wick and reviewed for the Council by Mr Peter Kensington. The requestor clearly acknowledges the proposed height limit does exceed the viewshaft in some instances, and states that the proposed height limit will not be realised as rule C1.6(2) in the AUP (OP) ensures that the overall activity status of a proposal is that of the most restrictive rule. The requestor confirms the plan change does not propose to amend this rule and consequently states the regionally significant view of Mount Albert/Ōwairaka will be preserved.

112. I rely on Mr Kensington's assessment of landscape and visual effects, as a result, it is my opinion that PPC 63, as modified by my recommendations set out in Appendix 9 to this report, is broadly consistent with the intent of the Tūpuna Maunga Integrated Management Plan, particularly pathway 9.7, as PPC 63 will rely on the existing robust approach in the AUP (OP) (Regionally Significant Volcanic Viewshafts Overlay) to protect the visual and physical integrity of the landscape of Ōwairaka / Te Ahi-kā-a-Rakataura / Mount Albert, and ensure it remains an important landmark of Tāmaki.

### **Albert-Eden Local Paths (Greenways) Plan 2018**

113. The Albert-Eden Local Paths (Greenways) Plan focuses on a network of local paths across the local board area that provide active transport opportunities for people to use safe routes for everyday journeys. The plan identifies Carrington Road and Mount Albert Road as part of an 'express commute' path, linking Wairaka to Morningside.

### **Albert-Eden Local Board Plan 2020**

114. The Albert-Eden Local Board Plan identifies six outcomes for the Albert-Eden local board area, each supported by objectives and key initiatives. Of particular relevance to PPC 63 are Outcomes 2, 4 and 5:



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- Outcome 2: Neighbourhoods that reflect and value our heritage and unique identity now and into the future. Identifies the iconic natural features in the local board area including Ōwairaka / Te Ahi-kā-a-Rakataura / Mount Albert. It is acknowledged that ‘catching glimpses’ of the cones around the area gives a sense of place. Volcanic viewshafts are protected under the AUP (OP).
- Outcome 4: A strong local economy with thriving town centres. A key initiative identified under this outcome relates to ensuring town centres are attractive destinations by continuing to plan for a civic square in Mount Albert by the entrance to the train station. The location of the proposed civic square is within the plan change area and is also raised by the Local Board feedback.
- Outcome 5: Parks and community facilities meet a wide range of needs. Mount Albert is identified as an area experiencing significant change. The Albert-Eden local board will advocate for adequate open space and community services in locations of intensification. PPC 63 seeks to enable an increase in development capacity that will contribute to an increased demand for parks and community facilities. While the plan change area has access to community facilities and open space, the likely increase in potential users as a result of the development is a consideration for the local board.

## 8. Assessment of effects on the environment

115. Clause 22 of Schedule 1 to the RMA requires private plan changes to include an assessment of environmental effects that are anticipated by the Plan Change, taking into account clause 6 and 7 of the Fourth Schedule of the RMA.
116. An assessment of actual and potential effects on the environment (“AEE”) is included in the report titled ‘Section 32 Assessment Report’ by Shannon Fallon of Barker & Associates Limited dated 17 February 2021 lodged with PPC 63.
117. The submitted AEE identifies and evaluates the following actual and potential effects:
- Effects on the quality built environment
  - Effects on landscape and visual amenity
  - Effects on transport
  - Effects on open space and community facilities
  - Effects on servicing
118. In my view, the requestor’s AEE covers many of the positive and adverse effects. Where I agree with the AEE, I will state so and not repeat the assessment. There are effects where I disagree with the conclusions of the AEE and I will give reasons why. There are also additional effects which, in my opinion, need consideration. To this end I have categorised my assessment of effects using the headings below rather than the applicant’s headings. In this section I first set out the requestor’s assessment, then secondly, the council’s expert views, followed by any submissions, and lastly my own conclusions on each effect. In my view, the following headings cover the environmental effects relevant to the proposed private plan change:
- Urban Design and shading
  - Landscape and visual amenity
  - Transport
  - Infrastructure
  - Volcanic Viewshafts and Maunga
  - Access to the train station
  - Reverse sensitivity to railway line

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## 8.1 Urban Design and Shading

### Shading on the street

119. As stated in section 9.1.3 of the report titled 'Private Plan Change Request, New North Road, Mt Albert, Urban Design Assessment' by Matt Riley of Barker and Associates, dated 30 November 2020, Mr Riley states that shading effects from development in centre zones is only a relevant consideration where adjacent to a residential or open space zone, due to there being no protection of sunlight access to the public realm in BMU or BTC zones under the AUP (OP) provisions, stating that the purpose of the maximum building height standard, specifically excludes the effects of shading on the street<sup>10</sup>.
120. Based on a review of the shading diagrams, Ms Ogden-Cork finds that the increase in height from 18m to 24m will reduce the amount of sunlight to the eastern footpath of New North Road by about 1-2 hours a day, in particular from 12/12.30pm in June instead of from 2pm, from 3pm in September instead of from after 4pm, and from 4pm in December instead of from after 5pm. She finds that these are key times of the day where sunlight supports commercial viability (for hospitality) but also supports an attractive and enjoyable amenity for people walking or cycling home from school or work.
121. While a detailed assessment has not been undertaken of the impacts on public life and public realm as result of a reduction in sunlight, Ms Ogden-Cork considers that PPC 63 as notified may impact on the vibrancy of the town centre and pedestrian amenity in general.
122. Ms Ogden-Cork continues by stating that the issue of shading is also of greater concern than in most situations due to the length of the block without any significant break in it. This is because of the railway line that is located along the eastern boundary, and the fact that unlike in other parts of the city, there are no side streets heading west, to break up what is a very long block. She concludes that this, combined with the orientation of the street, could result in excessive shading, that is greater than anticipated by the AUP (OP).
123. Ms Ogden-Cork confirms that it is only the portion of the site opposite the BTC zone that is of concern, in regard to shading effects because it lacks the protection and setback afforded to the residential zones. Ms Ogden-Cork also notes that whilst the reduction in height to accommodate the volcanic view shaft assists in minimising the shading effects (relative to other parts of the site), she considers further management of height and shading effects to the eastern footpath is important. She concludes by suggesting two options to manage these shading effects: the introduction of an upper floor setback provision, specific to the PPC 63 area; or, that the requested increase to the HVC not be applied to the properties at 911-945 New North Road.
124. Four submitters (in submission points 1.1, 4.1, 11.1, and 14.1) raised concerns around the loss of sunlight to the eastern side of New North Road, and the effect on the 'human environment'.
125. I do not agree with Mr Riley's conclusion regarding the purpose statement of the height standard in the AUP (OP) and the exclusion of the effects of shading on the street with regard to this plan change process. I find that a resource consent planner considering the purpose statement for standard H10.6.1 (building height) would be required to turn their mind to shadowing effects of building height on public open space, but would specifically exclude streets. Currently that resource consent planner would understand that a building height of 18m was considered by decision makers in November 2016, (when the AUP (OP) was made operative), to have acceptable shadowing effects on public streets. PPC 63 seeks to change that height from 18m to 24m, therefore in my opinion, this plan change process is the opportunity for current decision

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<sup>10</sup> Urban Design Assessment Request: New North Road, Mt Albert dated 30 November 2020 by Barker and Associates (Matt Riley and Cam Wallace) page 15, section 9.1.3

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makers to test whether 24m creates a level of shadowing in streets which is acceptable. If the plan change is made operative, future resource consent planners will no longer have the opportunity to turn their minds to that matter as it is explicitly excluded by the purpose statement of H10.6.1. Therefore, it is my view, that not only is it open to decision makers to consider this matter now, it is the last opportunity to do so. I set out the higher level objectives and policies that allow for the consideration of quality built environments, form and design of development to support the planned future environment and achieve high levels of amenity for pedestrians, and attractive quality public places and high quality street environments, in paragraph 92 above. Therefore, in my opinion, the effects of shading on the street beyond 18m are a relevant consideration for PPC 63.

126. Supported by Ms Ogden-Cork's assessment, it is my view that the street environment directly adjacent to 910-980 New North Road, zoned BTC is potentially most at risk of increased adverse effects as a result of the shading proposed by PPC 63, in part due to the presence of street furniture designed to encourage stopping and sitting, but also the BTC zoning and land parcel pattern of small lots means the fine grain nature of the retail and hospitality uses encourages the use of the street for gathering and social interaction. In assessing these effects, I note that the increase in shading effects is can be summarised:
- from about 12 noon/12.30pm instead of from 2pm in winter (22 June)
  - from 3pm instead of from after 4pm at the spring equinox (23 September)
  - from 4pm instead of from after 5pm in summer (22 December).
127. I rely on the advice of Ms Ogden-Cork who concludes that these are key times of the day where sunlight supports commercial viability (for hospitality), but also supports an attractive and enjoyable amenity for people walking or cycling home from school or work. I therefore agree that this change would be discernible to those using the street at these times and is likely to adversely affect their enjoyment of the street and footpath environment in a core part of the Mount Albert town centre. I recommend that PPC 63 be amended as set out in section 15 below and Appendix 9 to this report.
128. It is my view, supported by the evidence of Ms Ogden-Cork, that additional height and shading up to 24m at 945A-975 New North Road would not create the same adverse effects as discussed above in relation to 911-945 New North Road. This is because the eastern side of New North Road opposite 945A-975 New North Road is zoned MUZ<sup>11</sup> and does not have the same characteristics as the TCZ described above. Therefore, in my view, it is acceptable to approve the proposed height increase from 18m to 24m for the properties at 945A-975 New North Road with regard to shading on the street.
129. In seeking to avoid or manage adverse shading and streetscape effects, I have considered alternative heights between 18m and 24m as far as the evidence has allowed. I have considered using the RSVV heights, but have discounted this due to the complexity of implementation. I note that with further assessment and supporting evidence, an alternative height may prove to be appropriate, with an acceptable level of adverse effects.
130. It is my view that to not apply the requested increase to the HVC to the properties at 911-945 New North Road is the better way to ensure the high quality amenity of the town centre environment and public realm, and support the objectives of the BTC zone and the RPS which require a high quality public realm to support intensification, as set out in paragraph 92 above.

### **Built form and character**

131. As stated in section 10 of the report titled 'Private Plan Change Request, New North Road, Mt Albert, Urban Design Assessment' by Matt Riley of Barker and Associates, dated 30 November

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<sup>11</sup> There is a small part of TCZ located at 984 New North Road which is opposite 945A New North Road, however that property is in the ownership of Auckland Council and is used as a car park and therefore does not exhibit the same streetscape characteristics found adjacent to 910-980 New North Road.

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2020, the requestor concludes that the plan change area's direct proximity to Mount Albert rail station and access to a range of services and amenities, including those in the town centre, make it well-suited to the greater intensity of use that would be possible from an increase of enabled height.

132. The conclusion continues by stating that the wide roads and railway corridor surrounding the plan change area enable the increased height to be accommodated in a manner such that potential adverse effects on adjacent properties are very low, finding overall, that the increased height would have positive urban design effects, increasing the visual legibility of Mount Albert town centre and the adjoining area as a node and supporting the vitality and use of the centre and rail station.
133. Ms Ogden-Cork, the urban design expert on behalf of the council, has considered the above report and the further information relating to trees and agrees with many of the findings from the Barker's Assessment. Ms Ogden-Cork also reviewed the report titled 'New North Road Development, Supporting Documents for a Plan Change to the Unitary Plan' (Site Context, Bulk and Massing) prepared by Jasmax. and the report titled 'Shadow Study' prepared by Jasmax. Ms Ogden-Cork concludes that PPC 63, as modified by my recommendations set out in Appendix 9 to this report, is appropriate for the following reasons:
- The Mount Albert town centre and New North Road corridor is an appropriate place to focus urban intensification and apartment living in addition to commercial space due to the proximity of the rail station, the frequent bus route provided along New North Road, and the range of parks, community facilities and schools etc. that are all within walking and cycling distance.
  - In relation to the volcanic viewshaft, all of the proposed additional height area, as modified by my recommendations, is located underneath A13, with parts of the site being unable to be developed to the full height of 24m and being limited to 21.5-23.5 metres in height. This limitation is considered a positive, because in addition to protecting views to and from Ōwairaka, it will ensure a varied height to the linear strip of development and enable more sunlight to the footpaths on the south-eastern side of New North Road where shops are currently located.
  - The BTC and BMU zone provisions all have a mix of assessment criteria, objectives and policies that will assist in ensuring quality design outcomes that support a high standard of pedestrian amenity, and streetscape, in addition to residential apartment amenity.
  - Future development enabled by PPC 63 will require a Restricted Discretionary Consent and will typically be subject to a detailed design review and assessment process that takes the local context and character into consideration. These processes, in addition to the provisions of the zones, will assist in ensuring a quality streetscape and safe pedestrian environment.
  - Whilst there are a number of older buildings in the town centre which contribute to the existing character, none of these buildings are protected (by way of scheduling or special character overlays). As such, as the town centre is redeveloped it is expected that a number of these buildings will be removed, and the character of the town centre will evolve in line with the provisions of the AUP (OP).
134. Submitters expressed concern at the loss of traditional heritage character in the area, and preference to retain the 18m height limit and the building frontage control, while other submitters were supportive of additional development capacity in this location. In response to these issues, PPC 63 does not include any protected historic heritage buildings or areas, and effects on the three scheduled properties in the immediate area is likely to be minimal. The Building Frontage Control is not affected by this plan change, only by PPC 64.

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135. Given the findings above, it is my view that PPC 63, as modified by my recommendations set out in Appendix 9 to this report, will still allow for intensive development and activity within the plan change area and Mount Albert town centre. I agree with the council's experts that there are clear benefits to allowing for additional height in this location, albeit only for the properties at 945A-975 New North Road. I agree that the Mount Albert town centre, supported by the train station with regular services, is an appropriate location for buildings of up to 24m (for the properties at 945A-975 New North Road), with the wide arterial of New North Road on one side, and the Western line on the other. The presence of these corridors allows some of the adverse built form effects to be minimised, with visual dominance and privacy effects mitigated to some degree by the separation allowed by the corridor. Allowing a greater number of homes and employment space to be enabled in this location is also consistent with the NPS-UD requiring locations within at least a walkable catchment of rapid transit stops to plan for building heights of least 6 storeys.

## Shading

136. In respect of shading, Mr Riley, relying on the Jasmax Shadow Study diagrams<sup>12</sup> finds some new shading created by the additional height requested by PPC 63<sup>13</sup>. In summary, additional shading (beyond the shading from existing buildings, and the shading envisaged by plan enabled development at 18m) would be cast over residential properties to the west of the plan change area (at all times of the year) before 9am, for a short duration, moving quickly to be contained within the extent of the railway line by 9am. Shading diagrams also indicate additional shading (between 10am and noon) to the eastern side of New North Road, with shading from a 24m building moving across New North Road earlier in the day than shading from an 18m high building.
137. Mr Riley explains that from midday there would be additional shadow cast on the properties on the eastern side of New North Road and that as these properties are zoned BTC and BMU, there are no amenity controls at business zone to business zone interfaces in the AUP (OP), so considers this effect to be anticipated by the AUP (OP) and therefore considers this shading to be appropriate.
138. Mr Riley concludes that in the early to late afternoon, in the absence of any intervening built form, the additional height proposed would result in additional shading of the residential zoned properties further east of New North Road. He states that this additional shade would however overlap with shading generated by existing built form and/or future buildings on the properties on the eastern side of New North Road, and finds that no additional shading from PPC 63 would increase shading that already occurs or will occur as this area is redeveloped over time in line with the AUP (OP).
139. Ms Ogden-Cork has reviewed the shading study and for the most part agrees with Mr Riley's conclusion that with development of the eastern side of New North Road (up to 18m) the shading effects to residential zoned neighbouring properties will be minimal relative to the 18m building height that is already provided for in the AUP (OP).
140. A number of submitters raised concerns relating to an increase in shading and related amenity, in particular on the eastern side of New North Road. While future development in and around the town centre will increase shading, the AUP (OP) with the existing height limit of 18m already allows

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<sup>12</sup> Jasmax Shadow Study diagrams dated 30/11/2020 reference DRG No. SK-0100 Rev A, SK-0101 Rev A, SK-0102 Rev A, SK-0103, SK-0104 Rev A, SK-0105, SK-0106 Rev A, SK-0107 Rev A, SK-0108 Rev A, SK-0109 Rev A, SK-0120 Rev A, SK 0121 Rev A, SK-0122 Rev A, SK-0123 Rev A, SK-0124 Rev A, SK-0125 Rev A, SK-0126 Rev A, SK-0127 Rev A, SK-0128 Rev A, SK-0129 Rev A, SK-0140 Rev A, SK-0141 Rev A, SK-0142 Rev A, SK-0143 Rev A, SK-0144 Rev A, SK-0145 Rev A, SK-0146 Rev A, SK-0147 Rev A, SK-0148 Rev A and SK-0149 Rev A reference JOB No. 219098.

<sup>13</sup> Urban Design Assessment Request: New North Road, Mt Albert dated 30 November 2020 by Barker and Associates (Matt Riley and Cam Wallace) page 17, section 9.2.2

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for a significant increase in shading and related effects, beyond this and up to 24m, the modelling indicates only a small increase in shading effects to private property.

141. In my view, while the urban design assessment finds that ‘additional shade would overlap with shading generated by existing built form and/or future buildings on the properties on the eastern side of New North Road’<sup>14</sup>, in my opinion that there is a clear increase in shading on the Elim Christian College site at 1-3 McLean Street and at 1062 New North Road, shown from 1pm through to 5pm on 22 June (diagrams SK-0105 - SK-0109). This shading is not however cast over any buildings on the school property but does appear to potentially affect the property at 1062 New North Road, that is zoned THAB, although not to a great extent or duration. For the school property I consider this level of shading, limited to the late afternoon in winter, and the associated effects to be minimal. In respect of the property at 1062 New North Road I consider this level of shading, to the front garden and passing over the dwelling from 4pm afternoon at winter, to also be minimal in nature and limited in duration and therefore acceptable.
142. I note that the AUP (OP) allows for varying levels of shading in other urban town centre locations, and on balance I do not find the modelled shading to private property to be excessive in extent or duration, given the width of the transport corridors, and current land use pattern.

## 8.2 Landscape and visual amenity

143. As stated in section 8 of the report titled ‘New North Road Private Plan Change, Landscape and Visual Effects Assessment’ by Julia Wick of Boffa Miskell Limited, Revision 2, dated 25 November 2020 (Boffa Miskell Assessment) the applicant concludes that the additional, up to 6m, height sought by the plan change will serve to reinforce the town centre and support the aspirations of the AUP (OP) to intensify within town centre nodes such as Mount Albert.
144. Mr Kensington, the landscape expert on behalf of the council has considered the above report that includes the further information requested and agrees with many of the findings from the Boffa Miskell Assessment. Mr Kensington concludes that PPC 63, as modified by my recommendations set out in Appendix 9 to this report, is appropriate for the following reasons:
- Buildings constructed to the additional height enabled through PPC 63 will “sit comfortably” within the urban landscape context of the Mount Albert town centre.
  - Future development enabled by PPC 63 will assist with reinforcing the presence of the town centre at this key public transport node.
  - Given the required compliance with the volcanic viewshaft overlay heights, the potential adverse effects on the profile and open space values of Ōwairaka will be effectively managed.
  - The consideration of visual effects will be the subject of further examination through future resource consenting processes, because any future proposed redevelopment on the site, for new buildings of scale will be subject to specific review under the AUP (OP) as at least restricted discretionary activities.
  - Future development enabled by PPC 63 will visually reinforce the function that the site plays within the wider Mount Albert Town Centre, particularly given the proximity of the rail station.

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<sup>14</sup> Urban Design Assessment Request: New North Road, Mt Albert dated 30 November 2020 by Barker and Associates (Matt Riley and Cam Wallace) page 17, section 9.2.2

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- In terms of private views from people with proximate properties to the south-east of the plan change area, the separation distance between these viewpoints and future buildings within the plan change area, will assist with the mitigation of adverse visual effects.
  - While there will inevitably be a greater degree of built form and mass within these views as a result of PPC 63, when compared to that of the current heights enabled, within the context of an urban town centre landscape, this change in outlook towards built form, at the viewing distances examined, does not represent an adverse visual effect that is of a magnitude that would lead to an inappropriate outcome.
145. Submitters raised issues relating to development resulting from the proposed plan change being out of scale with the existing landscape and landform, resulting in a reduction in landscape and visual amenity; views to the Waitākere Ranges and the upper Waitematā harbour being obstructed or altered; a change in the character of the area resulting from taller buildings. In addition, concerns were raised relating to the loss of views to Ōwairaka.
146. In terms of the issues raised by submitters, I agree that the plan change is likely to result in changes to the visual landscape and character of the area, and some views will be altered and obstructed. Much of this change was anticipated by the AUP (OP) with the 18m HVC. For example, the analysis contained within the document 'Site Context, Bulk and Massing Studies' prepared by Jasmax dated 26 November 2020 at p53-55 indicates the change in view from Key View 3 (corner of Allendale Road and McLean Street looking down McLean Street towards the town centre), comparing the existing view with the 16m + 2m AUP (OP) built form, and the plan change 22m + 2m built form. The existing view to the Waitematā harbour is not visible with both the AUP (OP) 16m + 2m, nor the proposed 22m + 2m height. In a similar way, at pages 50-52, views west from Key View 2 (from the Tennis Club carpark and traffic lights on New North Road) the view west to the Waitākere Ranges is partially obscured with both the AUP (OP) 16m + 2m, and the proposed 22m + 2m height. This indicates these changes in the visual landscape and views are minimal and the change from the 18m height to 24m height results in only a limited change from most viewing points.
147. Given the above, it is my view that PPC 63 as notified will contribute to a change in the visual landscape of the Mount Albert town centre and surrounding area, but that the nature of this change is such that within the specific context of Mount Albert town centre, being an urban landscape, it will not result in significant adverse visual effects and is therefore acceptable. I consider the additional increase in height will support both the role and function of the town centre and reinforce this, with enough separation from the private views identified by the Boffa Miskell Assessment.
148. In terms of my recommendation to modify PPC 63, set out in Appendix 9 to this report, I consider the modification may reduce some of the adverse effects, and would not contribute to any adverse outcomes in terms of the visual context of the Mount Albert town centre relating to identification or wayfinding.

### **8.3 Transport**

149. As stated in section 7.0 of the report titled 'Proposed change to Auckland Unitary Plan, New North Road, Mount Albert - Transport Assessment' by Anatole Sergejew and Todd Langwell of Traffic Planning Consultants Limited dated September 2020, the requestor concludes that the transport effects of the proposed height limit increase in the plan change area can be accommodated by the transport network without compromising its function, capacity, or safety. The stated reasons for this include the plan change area being well served by public transport, roading and cycle infrastructure; and the proposed increase in height limit expected to generate some 112 to 383 additional vehicle movements in peak hours over and above the trip generation that could be expected through redevelopment of the site under the existing AUP (OP) height limits. The report states that these additional vehicle movements will be shared between the New North Road /

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Carrington Road / Mount Albert Road and the New North Road / Woodward Road / Richardson Road intersections and are considered to be minimal in the context of the volume of turning movements these intersections already cater for in peak periods. The report states that the Vehicle Access Restriction on New North Road, as an arterial road, requires the effect on the safe and efficient operation of the transport network to be considered for any redevelopment in the subject area.

150. Mr Collins, the transport expert on behalf of council has considered the above report and concludes that development enabled by the operative zoning for the plan change area will likely worsen congestion on the adjacent transport network, and further development enabled by PPC 63 may add further to this congestion<sup>15</sup>. He continues by stating that additional traffic congestion is not necessarily a critical flaw for PPC 63 and the long-term intent for the New North Road corridor is to focus on enabling walking, cycling and public transport, and this focus will be supported by, and in turn support PPC 63. Mr Collins considers PPC 63 aligns well with the Regional Policy Statement (RPS) objectives and policies by enabling more intensive land use in a location extremely well served by public transport and with good walking and cycling accessibility; enables more intensive land use on a corridor identified for improvements to public transport, walking and cycling; makes better use of existing public transport, walking and cycling infrastructure, and supports future investment in public transport, walking and cycling infrastructure; enables lower dependency on private vehicles; and is consistent with a compact urban form.
151. Mr Collins also considered whether the transport effects of development enabled by PPC 63 could be managed through future consent processes, finding that as the adjacent transport network will be congested during peak hours, active and public transport modes will need to fulfil a large proportion of the travel demand generated by PPC 63. Mr Collins states that the rules of Chapter E27 do not always provide scope to consider and address the enablement of active transport and public transport modes, with this being particularly pertinent for PPC 63 given that sites zoned BTC within PPC 63 are exempt from Standard E27.6.1, which is the main mechanism used by the AUP (OP) to achieve improved active and public transport outcomes beyond the boundary of the subject site. The BMU zone is not exempted by E27.6.1(2) and therefore E27.6.1(1) trip generation means a restricted discretionary activity consent is required where qualifying development is proposed (see table E27.6.1.1 and E27.6.1(1)(b) and (c)). My recommendation to modify the plan change, set out in Appendix 9 to this report, reduces the amount of BTC zone affected by the plan change by a significant amount.
152. Mr Collins then concludes by recommending site specific provisions be considered to enable and encourage the use of active and public transport modes. Mr Collins considers the following measures would encourage a greater uptake of active and public transport:
- Reduced on-site parking, for example, by specifying parking maximums for each site within the plan change area or for the plan change as a whole to control peak hour vehicle trips
  - Protection/formalisation of the existing through site pedestrian link at 915 New North Road to the Mount Albert Train Station, to support the uptake of public transport
153. A number of submitters raised transport issues, with Auckland Transport (AT) requesting the following:
- further assessment to confirm how AT's high-level transport and integration outcomes will be given effect to (Submission point 13.1)

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<sup>15</sup> PPC63 - 911 - 975 New North Road, Mount Albert, Transportation Hearing Report by Mat Collins of Flow Transportation Specialists, dated March 2022 (see Appendix 5).



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- assessment of the cumulative transport effects of PPC 63 and PPC 64 together (Submission point 13.2)
  - further assessment to address the cumulative transport effects on the transport network, including the operation of intersections and key routes in the vicinity and identify any mitigation required (Submission point 13.3)
  - further assessment based on appropriate assumptions that reflect travel patterns for the plan change area and identify any mitigation required and delivery mechanisms (Submission point 13.4)
  - further assessment of parking effects including effects on the use of public transport and on the transport network and identify any mitigation required and delivery mechanisms (Submission point 13.5)
  - retention of the existing pedestrian access to the train station through 915 New North Road and provide a further assessment of effects of this access and servicing facilities including the need for enhanced or additional access to the train station and identify any mitigation required and delivery mechanisms (Submission point 13.6)
154. Many of the points raised by AT relate to a request for traffic modelling and associated assessment of network effects. Mr Collins has formed the view that traffic modelling is not required to support PPC 63, finding that although PPC 63 may contribute to an increase in traffic congestion, this is not a critical flaw, and that PPC 63 will both support and be supported by active transport modes and public transport. I agree with Mr Collins's view that further traffic modelling to what is contained within the ITA will not provide useful information beyond what is already known.
155. Concerns relating to parking were also raised, in many cases concerns that insufficient off-street parking had been indicated by the plan change request. I note that minimum parking requirements were removed from the AUP (OP) in February 2022, as required by the NPS UD 2020.
156. Another submission raised concerns that development resulting from PPC 63 would exacerbate traffic congestion on New North Road and surrounding local roads, with no proposals to actively promote active or public transport.
157. I rely on the conclusions of Mr Collins who indicates that at the lower end of the ITA estimate (of between 112 to 383 vehicle movements per peak hour) the site specific provisions of reduced on-site parking and protection of the through site link, would not be required. It is my view that PPC 63 as modified by my recommendations set out in Appendix 9 to this report, would reduce the ITA estimates to some extent, and I acknowledge that the ITA notes that these figures are likely to be conservative estimates (i.e. over predicting the number of vehicle movements), supported by Mr Collins, such that the site specific provisions would likely not be required. This is supported by Mr Collins who concludes 100 or so additional vehicles per hour spread across the plan change area will not be overly noticeable, based on existing traffic flows on New North Road. In terms of the upper end of the ITA estimate, I have considered the mechanisms available to reduce on-site parking. These include a change to chapter E27 to specify a maximum parking rate or figure for the plan change area; a change to chapters H10 and H13 to specify a maximum parking rate or figure for the plan change area, or the use of an overlay or precinct to set maximum parking rates or figures. It is my opinion that these mechanisms would add unnecessary complexity to the AUP (OP), be confusing to plan users, and are not proportionate to the expected increase in vehicle movements.
158. I discuss the protection/formalisation of the existing through site pedestrian link at 915 New North Road in section 8.6 of this report.

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159. I agree with the conclusions of Mr Collins, regarding Standard E27.6.1 being the main mechanism used by the AUP (OP) to achieve improved active and public transport outcomes through the consenting process. I note that this standard does not apply where a proposal is located in the Business - Town Centre zone (which comprises two-thirds of the proposed plan change area but only approximately half of the amended/new HVC area following my recommended modifications), it only applies where a proposal is located in the BMU zone, should a development proposal exceed the relevant trip generation threshold.
160. The assessment criteria identified in E27.8.2(3)(b) allow for a wider range of mitigation measures to be considered including travel planning, providing alternatives to private vehicle trips including accessibility to public transport, staging development, or contributing to improvements to the local transport network. It is my view that the assessment criteria in E27.8.2(8) allow for a reasonable scope of matters of relevance to this plan change, for activities infringing the access standards in E27.6.4. These allow for the assessment of effects on the safe and efficient operation of the adjacent transport network, effects on pedestrian amenity, or the amenity of the streetscape, and the practicality and adequacy of parking, loading and access arrangements. I also note that section E27.8.2(11)(a) of the AUP (OP) also sets out additional assessment criteria that will apply to any redevelopment proposal, including the effects of the locations and design of the access on the site and efficient operation of the adjacent transport network. However, I acknowledge that the assessment criteria relating to the effects on the continuity of activities and pedestrian movement at the street level, only apply to the BTC zone, and not the BMU zone.
161. In terms of my recommendation to modify PPC 63, set out in Appendix 9 to this report, I consider the modification may reduce some of the adverse effects on the transport network, due to the reduced amount of enabled intensification.

#### **8.4 Infrastructure and servicing**

162. As stated in section 7 of the report titled 'Plan Change - Civil Infrastructure Report, 911-975 New North Road, Mt Albert', by Ama Chandrasena of Maven dated 25 November 2020, the requestor concludes that PPC 63 will not result in any changes to the requirements for the future earthworks in support of development applications. In respect of flooding, Mr Chandrasena concludes that changes sought by PPC 63 do not impact or exaggerate the existing over land flow paths (OLFPs), or areas subject to flooding, finding that specific design will be required in supports of future development applications, with additional heights enabling greater flexibility in building design to enable the retention of identified OLFPs and flood volume.
163. The report also considers stormwater and finds that the plan change area is serviced by an existing public stormwater network, and PPC 63 does not increase the allowable impervious area and is therefore not expected to create additional stormwater from the AUP (OP) baseline. Detailed design will be required at the resource consent stage. Wastewater servicing has also been modelled based on the maximum probable development (MPD) scenario, finding that the existing downstream wastewater network does not have sufficient capacity to support the MPD. Watercare have indicated that pipe upgrade or alternative mitigation measures will need to be provided through the resource consenting process for wastewater. Similarly, the existing water supply main is expected to require upgrade to support future development, with further detailed assessment from Watercare.
164. Mr Chandrasena's report concludes that other services including telecommunications, power and gas are present in the surrounding area and it is anticipated that service can be made available to the future development.
165. No submissions raised specific concerns relating to infrastructure or servicing.

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166. Given the above, it is my view that the additional development capacity sought by PPC 63, as modified by my recommendations set out in Appendix 9 to this report, can be accommodated within the plan change area and can be serviced by existing networks, with further capacity assessment undertaken through the consenting stages. It is likely that upgrades to both the water supply and wastewater networks will be required. Future development within the plan change area will be subject to the same controls with regards to natural hazards, and specific design work will be required to support future development applications.

## 8.5 Volcanic viewshafts and maunga

167. As stated in section 5.1.1 of the report titled Section 32 Assessment Report by Shannon Fallon dated 17 February 2021 the requestor concludes that any future development will need to comply with the Regionally Significant Volcanic Viewshafts (RSVV) and Height Sensitive Areas Overlay - A13, Mount Albert height limits, meaning that in specific areas the proposed additional height will not be able to be realised across the entire plan change area, without a non-complying activity resource consent. The discussion continues by providing examples of locations across Auckland where the zone or HVC exceeds the height permitted under the RSVV overlay. These examples include, **Onehunga town centre**, where the volcanic viewshaft ranges in height between 23.5m and 30m in height across the town centred zoned land, with a height of 27m permitted under the Town Centre zone provisions; **Royal Oak town centre**, where the volcanic viewshaft ranges in height between 15.5m and 26.5m in height across the town centre zoned land, with a height of 27m permitted under the Town Centre zone provisions; and **Greenlane town centre**, where the volcanic viewshaft ranges in height between 18.5m and 37.5m in height across the town centre zoned land, with a height of 24m permitted under the Town Centre zone provisions.
168. Mr Elder, the council planner with specific expertise in volcanic viewshaft analysis, has considered the above report and concludes that the plan change area is covered by RSVV A13, with only the sites at 911, 913 and 915 New North Road falling outside of the viewshaft. He confirms viewshaft A13 is of Ōwairaka / Te Ahi-Kā-a-rakataura / Mount Albert with the origin point located on the North-western Motorway (SH16), next to the Te Atatū interchange on-ramps, and that the plan change area is not affected by the height sensitive area overlay.
169. The AUP (OP) GIS viewer identifies that the A13 viewshaft height above ground level over the plan change area ranges from approximately 20 metres to 28 metres. This height is the difference between the viewshaft plane and topography of the ground below. Mr Elder states that applicants are required to confirm the height of the viewshaft with qualified surveyor's certificate.
170. Mr Elder presents his interpretation of rule C1.10 together with Table D14.4.1 Activity Table relating to plan interpretation, and the Volcanic Viewshafts and Height Sensitive Areas Overlay. He confirms that in the event a building intrudes the viewshaft at a height that is greater than 9m, activity (A6) of Table D14.4.1 applies, and such an activity would have a non-complying activity status, and must be publicly notified. Mr Elder further states that the effects of this intrusion would be assessed at the resource consent stage, where detailed building design would be required for a suitably qualified landscape architect to make a recommendation based on the effects.
171. Tūpuna Maunga o Tāmaki Makaurau Authority raised concerns in their submission relating to the proposed HVC above the RSVV (A13) across much of the plan change area, and specifically that approving such a plan change would set an expectation that this height (HVC) is acceptable and can be realised across the entire plan change area.
172. A number of other submitters raised concerns over the intrusion of future development into the RSVV, and seeking the protection of views and volcanic viewshafts and views to the maunga.
173. Given the above, it is my view that the RSVV provisions are sufficiently robust and clearly indicate the importance and precedence afforded to the RSVV in relation to zone heights with a Height

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Variation Control. This is supported by the objectives and policies in the Regional Policy Statement, in particular objective B4.3.1(1) that states that significant public views to and between maunga are protected from inappropriate subdivision, use and development, and policy B4.3.2(3)(a) requiring all modification, destruction, or significant detracting of the view to be avoided.

174. It is my understanding that at the time of seeking resource consent, applicants will be required to confirm the height of the viewshaft supported by a qualified surveyor's report, rather than this being required through the plan change process. I agree with Ms Fallon and Mr Elder that any breach of the viewshaft would be a non-complying activity, requiring full public notification, and that the effects of any intrusions into the viewshaft would be assessed at a future resource consent stage, where detailed building design would be required for a suitably qualified landscape architect to make a recommendation based on the effects.
175. I conclude that in my opinion the AUP (OP) clearly establishes that where the plane of a RSVV sits below the zone height or HVC, the RSVV is the limiting factor on the height of any future development and would trigger a resource consent for a non-complying activity.

## 8.6 Access to the train station

176. The Section 32 Assessment Report states that the plan change area is located within walking distance of the Mount Albert train station<sup>16</sup> and describes the at grade carpark at 915-919 New North Road as providing pedestrian access through to the train station<sup>17</sup>. Further discussion relating to the pedestrian accessibility is contained within the Transport Assessment which describes the town centre upgrade completed in 2018 resulting in better connectivity between the town centre and the Mount Albert train station<sup>18</sup>.
177. Auckland Transport provided a pre-lodgement review in respect of PPC 63 that raised train station access as an important consideration, identifying the redevelopment of the plan change area as an opportunity to improve integration with the train station<sup>19</sup>. Further assessment was suggested around how development of the plan change area would support better integration with the train station access, provide for pedestrian accessibility and support good urban design outcomes. The response from the applicant team, contained within the Transport Assessment indicates no immediate development plans for the plan change area, stating the required resource consent process would allow Council the opportunity to assess the design and layout of buildings ensuring good urban design outcomes and pedestrian accessibility<sup>20</sup>.
178. Council's urban design expert Ms Ogden-Cork maintains that the provision of a pedestrian route to the train station is of particular importance, believing it likely that through redevelopment, the same route will be provided, as it should make good commercial sense, and given the location, retail or hospitality activities would benefit from passing foot traffic<sup>21</sup>. She also notes such access would likely be a key point of design review and assessment due to the zones provisions that emphasise the importance of pedestrian amenity and accessibility to and through sites.
179. Auckland Transport's submission acknowledges the opportunities for intensification in the plan change area, and the need to clearly demonstrate the integration of transport and land use

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<sup>16</sup> Page 10 of the report entitled 'Section 32 Assessment Report' by Shannon Fallon of Barker & Associates Limited dated 17 February 2021 (see Appendix 2).

<sup>17</sup> Ibid page 6.

<sup>18</sup> Page 5 of the report titled 'Proposed change to Auckland Unitary Plan, New North Road, Mount Albert - Transport Assessment' by Anatole Sergejew and Todd Langwell of Traffic Planning Consultants Limited dated September 2020.

<sup>19</sup> Ibid page 33

<sup>20</sup> Ibid page 33

<sup>21</sup> Page 7 of the report titled 'Urban Design Review' by Tracy Ogden-Cork dated 22 April 2022 (see Appendix 5)

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outcomes, including in respect of enabling modal shift to public transport, and supporting functional and amenity-based design (Submission 13.1). The submission also seeks the retention of the existing pedestrian access at 915-919 New North Road, and further assessment of effects on the existing pedestrian access and servicing facilities including the need for enhanced or additional pedestrian access facilities to and from the train station (Submission 13.6).

180. In my opinion, there is good existing pedestrian access from New North Road to the Mount Albert train station. There are three pedestrian access routes from the town centre to the train station: the overbridge accessed from Carrington Road; the pedestrian walkway at 915-919 New North Road; and ramp and walkway access between 945 and 947 New North Road. The first access route lies within the KiwiRail designation allowing on-going full public access, the public use of second access route is currently secured via a commercial lease arrangement, and the third access also lies within the KiwiRail designation. While the first and second access routes are relatively recent with high amenity, the third access route would benefit from improvements including resurfacing, safety measures, wayfinding and design elements. I consider the existing access routes to be sufficient with opportunities for improvement with redevelopment of the plan change area. I agree with Ms Ogden-Cork that while retention of the through-site walkway at 915-919 New North Road is desirable, it is also highly likely to be retained with redevelopment, and makes good commercial sense to retain in this location.
181. It is my view that requiring protection or formalisation of the existing through site link at 915 New North Road is not proportionate or necessary in relation to PPC 63. While the retention of the through site link connecting the rail station with the town centre is an important connection to encourage access and use of the train services, the ground lease to this land is held by Auckland Council as a perpetually renewable ground lease. The future use of the land at 915 New North Road is outside the scope of this plan change; but may be secured for station access through another mechanism outside of the planning process.

## 8.7 Reverse sensitivity to railway line

182. Mr Riley considers wider amenity effects at section 9.2.3 of the Urban Design Assessment, noting there are good separation distances between the plan change area and surrounding properties, with bordering roads and the railway corridor providing this separation. He notes that adjacent zones are generally at the lower end of sensitivity in terms of amenity effects<sup>22</sup>.
183. Ms Ogden-Cork states that there is no setback or yard requirement along the boundary with the railway corridor, and raises concerns relating to the large expanses of concrete walls or carparking are proposed at ground level next to the rail line, or in the likely event that apartments with balconies are proposed to look out to the north-west over the rail line, some consideration of amenity along the boundary, (including scope for tree planting and landscaping) and management of noise, would be of benefit to both the users of the railway line, residents in the apartments, and potentially also to residential properties on the opposite site of the corridor<sup>23</sup>.
184. KiwiRail were identified as a directly affected person, due to the potential for adverse effects on the operation of the rail network and corridor, including safety and traffic flow effects caused by additional vehicle movements around the level crossing at Woodward Road, and increased shading that may affect visibility for train drivers. In their further submission supporting Auckland Transport's submission point 13.1, KiwiRail seek to 'reinforce the need to protect the transport network', stating:

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<sup>22</sup> Urban Design Assessment Request: New North Road, Mt Albert dated 30 November 2020 by Barker and Associates (Matt Riley and Cam Wallace) page 17, section 9.2.3

<sup>23</sup> Page 10 of the report titled 'Urban Design Review' by Tracy Ogden-Cork dated 22 April 2022 (see Appendix 5)

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*"It is important that transport services and operations are not compromised by any adverse effects created by the proposed increased height/adjacent development and the Plan change addresses how these matters. This can include whether new lineside neighbours are able to enjoy safe and high-quality urban environments."*

and

*"No consideration has been given to assessing what effects the plan change development might have on the operation of the railway corridor and how these effects might be managed as required under policy B2.4.2(7) to 'Manage adverse reverse sensitivity effects from urban intensification on land with existing incompatible activities.'"*

185. In my opinion, the plan change area, and beyond, has been identified for urban intensification for some time, and the increase in height sought by PPC 63 will add additional storeys to any development, but is unlikely to materially alter the nature and scale of effects on the rail corridor, or the nature and scale of effects on future development. It is my view that these matters can be addressed at the resource consent stage, where they can be understood and considered in relation to any expected effects from proposed development and activities, rather than in abstract terms.

## 9. Consultation

186. The following consultation was undertaken for PPC 63.

### 9.1 Mana Whenua

187. TLL engaged the relevant 14 iwi groups within the plan change area, as well as Tūpuna Maunga o Tāmaki Makaurau Authority. Iwi and Tūpuna Maunga Authority were sent an email advising them of the plan change and proposal during July 2020, prior to the plan change request being lodged with the Council. Ngāti Whātua o Kaipara responded that they would defer to Ngāti Whātua Ōrākei. Ngāti Whātua Ōrākei requested further engagement, and Ngāti Te Ata deferred comment until the request was formally submitted. No responses have been received from other iwi groups.

188. Tūpuna Maunga Authority responded to initial engagement setting out comments relating to the significance of Tūpuna Maunga, being sacred to Mana Whenua as taonga tuku iho (treasures handed down the generations), confirming that the Tūpuna Maunga Authority has a direct interest in protecting views to, from and between the Tūpuna Maunga. Concerns were raised about the expectation the increased height creates notwithstanding the very clear direction in the Auckland Unitary Plan to avoid any effects of buildings intruding into the viewshaft. The Authority stated that they oppose any intrusions into the Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay that further impact on the values of the Tūpuna Maunga.

189. All 19 Auckland iwi authorities were specifically notified of PPC 63 in accordance with clause 5(4)(f) of Schedule 1 of the RMA on 23 September 2021. No submission was received from any mana whenua group except the Tūpuna Maunga Authority. Ngāti Manuhiri indicated they would defer to mana whenua in this instance as this plan change fell outside of their rohe. No iwi resource management groups recommended needing a decision maker in accordance with clause 4A of Schedule 1 of the RMA.

190. Tūpuna Maunga Authority made a submission opposing the plan change, in particular the increase in the Height Variation Control where greater than the Regionally Significant Volcanic Viewshaft (RSVV) A13 to Ōwairaka (Mount Albert). The Authority expressed concern that establishing a zone height above the RSVV sets an expectation that this height is acceptable and can be realised across the entire plan change area, and that introducing a building height above the viewshaft

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reduces the value of the viewshaft and will compromise the value of Ōwairaka as a locally, regionally and nationally significant landform.

## 9.2 Local Board

191. TLL met and provided information of the proposed private plan change request to the Albert-Eden Local Board on 11 August 2020. The local board raised some matters including consideration of a town plaza for Mount Albert, the effects of an increase in height, including dominance and shading effects, and how the viewshaft to Ōwairaka would continue to be protected.
192. I presented to the Albert-Eden Local Board workshop on 2 November 2021 following the close of further submissions. At that workshop I outlined the nature of submissions and the main themes in contention.
193. At the 30 November 2021 business meeting of the Albert-Eden Local Board the following resolutions were passed:
- That the Albert-Eden Local Board:*
- a) *note the tabled document outlining the local board's views on private plan change 63 by Tram Lease Limited for 911-975 New North Road, Mount Albert.*
  - b) *appoint Member Easte to speak to the local board views at a hearing on private plan change 63.*
  - c) *delegate authority to the Chairperson of Albert-Eden Local Board to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the private plan change hearing.*
194. The Local Board Feedback on PPC 63 is attached at Appendix 3 to this report. The main points raised are summarised in Table 9 below with the views of the reporting planner and technical experts (where relevant):

**Table 9: Assessment of Local Board Comments**

Matter	Local Board Comment	Assessment
Civic Square	<p>The Board seeks a change to the proposed plan that would explicitly zone a small part of the site for a Civic Square, requiring about 620 m<sup>2</sup> at 915 New North Road, occupying about 2.8% of the total 21,955 m<sup>2</sup> plan change area. The most appropriate zone would be "Open Space - Civic Spaces Zone".</p> <p>The Board has been planning for a Civic Square on this part of the plan change area for over a decade, with strong community support, investing over \$1M in purchasing the long-term ground lease over the site at 915 New North Road (currently used for car parking). The LB have invested over \$500,000 in part-funding a pedestrian over-bridge connecting the neighbouring Mount Albert rail station with New North Road via the future civic square site.</p>	<p>While the presence of a civic square in the suggested location has merit for a number of reasons, including town centre activation and an attractive pedestrian link connecting to town centre with the adjacent rail station, the rezoning of this land is beyond the scope of this plan change request and may be delivered through other mechanisms, including the council and local board retaining the long-term ground lease of this property.</p> <p>The rezoning of, and restricting of activities in, part of the plan change area is out of scope of PPC 63 as requested.</p> <p>Chapter H10 (Business - Town Centre Zone) of the AUP (OP) does not require side yard</p>

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	<p>We also request a rule restricting activities or uses on the ground floor of buildings directly adjoining the Civic Square to those which are compatible with it. Hospitality purposes (cafes, restaurants, bars) should be allowed as they have high activation values which would add to the ambience and activity in the square; while very low activation purposes such as offices and banking chambers should be discouraged or even banned in this part of the site.</p> <p>To avoid excessive shading of the square by multi-story development of the 534 m<sup>2</sup> lot to its north at 911 New North Road the Board requests a recession plane at the common boundary.</p> <p>Leaving less than 3% of the overall site undeveloped in order to create a public open space would not be an unfair imposition on the applicants who are seeking a very large increase in Gross Floor Area over and above the existing zoning. The landowners will benefit from increased economic activity in the Town Centre which the Civic Square will contribute to.</p>	<p>setbacks or recession planes between two adjoining properties of that zone.</p>
<p>Precinct Plan</p>	<p>The Board recommends that a Precinct Plan be established for the whole site covered by this Plan Change to guide long term mixed-use development of this site.</p>	<p>No precinct plan has been requested by PPC 63, nor is it considered to be the best approach to meeting the objective of the plan change.</p> <p>The rationale for a precinct plan to guide the future development of the plan change area is not supported and would add unnecessary complexity. The BTC zone provisions in the AUP (OP) ensure future development supports the town centre and is of a form, scale and design quality that ensures the Mt Albert town centre is reinforced as a focal point for the community.</p>
<p>Modulated massing</p>	<p>The Board is concerned by the sheer scale of the potential development that would be allowed by Plan Change 63, allowing substantial dominance, sunlight and shading effects. The Board recommends that the Plan Change mandates appropriately modulated development on this site, breaking up the long (about 700 metres) street-facing facade of the building(s) into distinct sections of no more than 50 metres long separated by brief setbacks from the road.</p>	<p>In assessing restricted discretionary resource consent applications for new buildings in both the BTC and BMU zones (H10.8.1 and H13.8.1), the following matters of discretion apply to council's assessment: the design and appearance of buildings in so far as it affects the existing and future amenity values of public street and spaces used by significant numbers of people. This specifically includes the contribution that such buildings make to the attractiveness, pleasantness and enclosure of the public space, and measures adopted for limiting the adverse visual effects of any blank walls along the frontage of the public space.</p>



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		It is likely any large-scale future development of the plan change area will be subject to review by the Auckland Urban Design Panel.
Building Envelope	<p>The Board draws attention to Mount Albert's role as one of about 150 small and medium-sized Town Centres within urban Auckland as distinct from the dozen major Metropolitan Centres where taller buildings are more appropriate. Accordingly, the Board suggests a 45-degree recession plane rising from the opposite road reserve / private property boundary to avoid undue shading of the street itself, and of properties on the other side.</p> <p>For about three quarters (525 metres) of the subject site New North Road is 20 metres in width (boundary to boundary) but the northern quarter (173 metres) is 22-25 metres wide. In order to comply with a 45-degree recession plane, the upper stories of any buildings taller than the road width would need to step back from the road frontage.</p>	Shading on the street is discussed above at section 8.1.
Volcanic Viewshafts	Whatever building envelope is approved, it should not intrude at all into the volcanic viewshaft A13 that passes over the northern end of the site.	The role of the volcanic viewshaft is discussed above at section 8.5.
Urban Design Panel	Any actual development should be subject to the Urban Design Panel review process. Because development may be spread over many years, requiring separate Resource Consents, this might require multiple referrals to the UDP.	It is likely any large-scale future development of the plan change area will be subject to review by the Auckland Urban Design Panel. Triggers <sup>24</sup> relate to resource consent applications that are considered to have significance at a regional or local level and include: any large development near or within a town centre such as a new large format retail, shopping mall, supermarket or apartment building; large scale residential development over 20 units; as well as any locally significant development that council officers believe would benefit from independent urban design review. It is my view that most development applications of the scale indicated above within the plan change area would trigger a requirement for a review by the Auckland Design Panel Review.
Vehicle Access	The Board recommends that interruptions to the adjoining footpath by vehicles entering or leaving the site be minimised by limiting the number of vehicular entrances/exits and by spacing them well apart. All such vehicle exits should also be sufficiently wide at the street frontage that pedestrians will be aware of any approaching vehicle. This could be achieved by requiring a tapered (triangular)	The vehicle access provisions contained within chapter E27 Transport of the AUP (OP) will be adhered to at the future development stage for the plan change area. The plan change area is subject to Building Frontage Controls (General Commercial Frontage and Key Retail Frontage) for up to two-thirds of its length, which serve to limit

<sup>24</sup> Terms of Reference: Auckland Urban Design Panel, Auckland Design Office, Auckland Council, 2017

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	landscaped area on either side of the driveway of (say) 2-3 metres width at the footpath; associated vegetation should be limited to 1 metre in height to provide for children and people in wheelchairs, etc.	vehicle access, primarily to support pedestrian safety and amenity.
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## 10. Notification and Submissions

### 10.1 Notification details

195. Details of the notification timeframes and number of submissions received is outlined below:

Date of public notification for submissions	22 July 2021
Closing date for submissions	19 August 2021
Number of submissions received	18
Date of public notification for further submissions	23 September 2021
Closing date for further submissions	7 October 2021
Number of further submissions received	4

196. All submissions were received on time. There were no late submissions. Copies of the submissions are attached as Appendix 2 to this report.

## 11. Analysis of submissions and further submissions

197. The following sections address the submissions received on PPC 63. It discusses the relief sought in the submissions and makes recommendations to the Hearing Commissioners.

198. For the various recommendations on each submission below, where there is a relevant further submission then this has also been assessed and recommendations made.

199. Submissions that address the same issues and seek the same relief have been grouped together in this report under the following topic headings:

- Submissions supporting PPC 63 in its entirety
- Submissions opposing PPC 63 in its entirety

### 11.1 Submissions supporting PPC 63 in its entirety

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendations
9.1	Vincent Heeringa	Approve the plan change without amendments	Opposed by FS02 Auckland Transport	Accept in part

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			Supported by FS03 Kāinga Ora	
15.1	Kāinga Ora	Amend the Height Variation Control to include all land zoned TCZ [Town Centre zone]	Opposed by FS02 Auckland Transport	Accept in part
15.2	Kāinga Ora	Apply the Height Variation Control at 24m height limit for the MUZ [Mixed Use zone]	No	Accept
15.3	Kāinga Ora	Review by council of overall building heights and spatial application of the HVC [Height Variation Control] across all the Business zoned land within the Mount Albert centre	No	Accept in part

### Discussion

200. Submission 9.1 (Vincent Heeringa) supports the plan change and intensification of the New North Road corridor, to increase housing supply, reduce reliance on cars, meet climate change commitments through the use of alternative transport modes, and allowing for a denser population to support the vibrancy and commercial viability of Mount Albert as a hub. Kāinga Ora supports submission 9.1 in their further submission (FS03), while Auckland Transport (FS02) opposes this submission. The reasons put forward by submission 9.1 describe the positive effects from increased height and density in the plan change area, these matters are discussed in sections 7.6 and 8.3 of this report.
201. Kāinga Ora made submissions in support (Submissions 15.1, 15.2 and 15.3) of additional height up to 24m in the BTC zone, contributing to intensification within the town centre in close proximity to the train station and enabling additional housing and business supply. Kāinga Ora also supports additional height up to 24m proposed by PPC 63 in the BMU zone, providing for mixed use development that contributes to a quality compact urban form and increases housing supply and/or commercial floorspace. Kāinga Ora also recommend that Council consider reviewing the overall building heights and spatial application of the HVC across all of the business zoned land within the Mount Albert centre, seeking all land zoned BTC to have the HVC amended, while acknowledging council’s current work programme underway to implement the requirements of the NPS UD to enable building heights of at least six storeys in locations within at least a walkable catchment of a rapid transit stop such as the plan change area. Given this ongoing work programme, it is my view that amending the HVC for all BTC zoned land in the Mount Albert town centre to be beyond the scope of PPC 63.

### Recommendations on submissions

202. That submission point 9.1 be **accepted in part** and submission point 15.2 be **accepted**.
203. That submission 15.1 be **accepted in part** in so far as the support for additional height within the plan change area is modified as set out in my recommendations in Appendix 9 to this report.

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204. That submission 15.3 be **accepted in part** in so far as council have an active work programme to implement the requirements of the NPS UD and this includes a review of planning responses, but this work lies beyond the scope of PPC 63.
205. That further submission FS02 be **rejected**.
206. That further submission FS03 be **accepted in part** in so far as the support for additional height within the plan change area is modified as set out in my recommendations in Appendix 9 to this report.
207. There are no amendments associated with this recommendation.

## 11.2 Submissions opposing PPC 63 in its entirety

Submission Number	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendations
1.1	Ronald Tapply	Seeks wider public consultation to canvas impingement of volcanic viewshaft, shading and wind tunnel effects, dominance, removal of shops and no parking provisions	No	Accept in part
2.1	David Ryan	Require off street parking	No	Reject
3.1	Martyn Pratt	Seeks unspecified amendment [inferred no increase in building height]	No	Reject
4.1	Trustees of the Pat & Cath Coll Family Trust	Require consideration of loss of sunlight and amenity on residents on eastern side of New North Road	No	Accept in part
4.2	Trustees of the Pat & Cath Coll Family Trust	No other specific decision sought [concerned at loss of traditional heritage character of the area]	No	Reject
5.1	Plunkett Family Trust	No specific decision sought [seeking protection of views and volcanic viewshafts]	No	Reject
6.1	Leon Lu	Retain the 18m building height	No	Reject in part/accept in part
7.1	Katrina Elliot	No other specific decision sought [seeking to prevent additional shading of 5	No	Reject

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		Woodward Road, Mount Albert]		
8.1	W and R Property Holdings Limited	No other specific decisions sought	No	Reject
10.1	Tūpuna Maunga o Tāmaki Makaurau Authority	Ensure the HVC [Height Variation Control] for this site does not intrude into the Regionally Significant Volcanic Viewshaft A13 to Ōwairaka	Opposed by FS03 Kāinga Ora	Reject
10.2	Tūpuna Maunga o Tāmaki Makaurau Authority	Provide confirmation from a licensed cadastral surveyor of the precise R.L. of the floor of the viewshaft relative to the plan change area to establish the maximum building height to comply with the viewshaft A13 to Ōwairaka	Opposed by FS03 Kāinga Ora	Reject
11.1	Lloyd Austin	Retain the existing building height for 911-975 New North Road, Mount Albert [18m]	Supported by FS03 Kāinga Ora Opposed by FS04 Lloyd Austin	Accept in part
12.1	Darryl Crocker	No other specific decision requested [concern with shading]	No	Reject
13.1	Auckland Transport	Provide a further transport assessment to confirm how the high level transport and integration outcomes sought by Auckland Transport will be given effect to. Include mechanisms (e.g. precinct provisions) to give effect to these outcomes	Supported by FS01 KiwiRail Opposed by FS03 Kāinga Ora	Reject
13.2	Auckland Transport	Assess cumulative transport effects of plan change 63 and plan	Opposed by FS03 Kāinga Ora	Accept

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		change 64 together. Identify any mitigation required and the delivery mechanism		
13.3	Auckland Transport	Provide a further assessment to address the cumulative transport effects on the transport network, including the operation of intersections and key routes in the vicinity. Identify any mitigation required and the delivery mechanism	Opposed by FS03 Kāinga Ora	Reject
13.4	Auckland Transport	Provide a further assessment based on appropriate assumptions that reflect travel patterns for the plan change area. Identify any mitigation required and the delivery mechanism	Opposed by FS03 Kāinga Ora	Reject
13.5	Auckland Transport	Provide a further assessment of parking effects including effects on the use of public transport and on the transport network. Identify any mitigation required and the delivery mechanism	Opposed by FS03 Kāinga Ora	Reject
13.6	Auckland Transport	Retain the existing pedestrian access to the train station [through 915-919 New North Road] and provide a further assessment of effects on this access and servicing facilities, including need for enhanced or additional access to the train station. Identify any mitigation required and the delivery mechanism	Opposed by FS03 Kāinga Ora	Accept in part
14.1	Derek Bing	Retain the existing 18m maximum height limit	No	Accept in part
16.1	Michael Reid	No other specific decision sought.	No	Reject

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		[concerned at shading and loss of maunga views]		
17.1	Lauren Mentjox	No other specific decision sought [concerned at traffic congestion, emissions, lack of measures to increase walking, cycling and public transport use]	No	Reject
18.1	Richard Harry Wilburn	Maintain building frontage control	No	Reject

Discussion

- 208. Submission 1.1 (Ronald Tapply) seeks PPC 63 be declined based on concerns about intrusion into the Regionally Significant Volcanic Viewshaft, an increase in shading, lack of public consultation, change to visual landscape and amenity and the removal of shops and no provision for parking. It is my view that there is no evidence PPC 63 will result in the removal of shops, it is more likely to lead to an increase in provision and development capacity for more business floorspace. In respect of parking, this is a request for a change to the AUP (OP), rather than a development application that might indicate a certain level of parking provision; and as discussed in section 8.3 of this report, minimum parking requirements were removed from the AUP (OP) in February 2022, as directed by the NPS UD 2020. As outlined above, the requestor consulted with mana whenua, Tupuna Maunga Authority, landowners, the local board, and with Auckland Transport and Watercare. Potentially affected landowners and residents were directly notified of PPC 63 and invited to make submissions and further submissions. PPC 63 was also publicly notified with full details available on the council's website during the notification period.
- 209. Changes to the visual landscape and shading have been discussed in sections 8.2 and 8.1 of this report and considered to be acceptable, with the exception of shading to the eastern BTC zoned properties on New North Road at 910-982 New North Road. I recommend the modification of the spatial extent of the plan change area, with the requested change to and introduction of the HVC at 24m to apply only to the properties at 945A-975 New North Road. Discussion on the role of the Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay in section 8.5 confirms that the overlay is a height limiting tool when applied to an area where a HVC exists.
- 210. As a result, it is recommended that submission point 1.1 be **accepted in part**.
- 211. Submission 2.1 (David Ryan) sought changes relating to increases in traffic and lack of solutions for potential resident, customer and worker parking. Again, this is discussed in section 8.3 of this report, and it is noted that minimum parking requirements were removed from the AUP (OP) in February 2022, as directed by the NPS UD 2020.
- 212. As a result, it is recommended that submission point 2.1 be **rejected**.
- 213. To ensure all submission points are considered I also consider Submission 3 (David Ryan) to PPC 64 that raised concerns relating to shading on his property at 1042 New North Road. This property is zoned Residential - Mixed Housing Urban and is occupied by a residential dwelling that sits well away from New North Road street frontage via a narrow access on the opposite side of New North Road to the plan change area. After reviewing the Shadow Study, it is likely this property will experience some additional shading, in particular from 4pm on 22 June to some of the front

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garden. I consider this level of shading, to part of the front garden in the late afternoon at winter, and the effects to be minimal in nature and limited in duration.

214. As a result, it is recommended that submission 3 to PPC 64 (but relevant to PPC 63) be **rejected**.
215. Submission 3.1 (Martyn Pratt) seeks PPC 63 be declined, or provisions amended due to the increase in building height blocking views to the volcanic cones from streets north of New North Road, and views being restricted from Allendale Road to the west including sea views. The visual landscape effects of PPC 63 are discussed in section 8.2 of this report. The requestor's Visual Landscape Assessment and Supporting Graphics have been reviewed by Mr Kensington. Mr Kensington concludes that from an overall landscape and visual effects perspective PPC 63 is appropriate. Mr Kensington notes that development resulting from PPC 63 will represent a change in views for private viewing audiences and considers this change to be appropriate in this location, and that the protected view to the maunga is maintained through the Regionally Significant Volcanic Viewshafts and Height Sensitive Areas overlay in the AUP (OP).
216. As a result, it is recommended that submission point 3.1 be **rejected**.
217. Submission point 4.1 (Trustees of the Pat & Cath Coll Family Trust) raises concerns about increased levels of shading on their properties due to the increase in allowable height resulting from PPC 63. I rely on the advice from Ms Ogden-Cork that Ms Coll's property at 956-960 New North Road will not experience significantly more shading at 24m than at 18m, and shading effects will be minimal. More general comments are made in relation to increased shading to the eastern side of New North Road, in particular the loss of amenity. Shading to the street is discussed at section 8.1 of this report. I recommend the modification of the spatial extent of the plan change area, with the requested change to and introduction of the HVC at 24m to apply only to the properties at 945A-975 New North Road.
218. Submission point 4.2 addresses the change in character of the local area, with concerns about buildings of eight storeys not complementing the existing neighbourhood character that includes historic 2/3 storey buildings. I note that there are no places or areas of historic heritage identified by the AUP (OP) in the immediate vicinity of the plan change area. Mr Kensington also comments on this change, finding that seven levels would be the maximum building height enabled, and notes that the presence of the volcanic viewshaft will likely limit this to six levels in places.
219. As a result, it is recommended that submission point 4.1 be **accepted in part** and submission point 4.2 be **rejected**.
220. Submission point 5.1 (Plunkett Family Trust) raises concerns regarding the protection of existing views and volcanic viewshafts. Discussion on the role of the Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay in section 8.5 confirms that the overlay is a height limiting tool when applied to an area where a HVC exists. In relation to the protection of existing views both the requestor and Mr Kensington agree that PPC 63 will represent a change in views for private viewing audiences and consider this change to be appropriate in this location. Without any evidence to the contrary, it is difficult to determine the effects of the loss of private views. However, the Jasmex drawing set, in particular pages 53, 54 and 55 from Key View 3 illustrate the loss of view given the existing situation, the current AUP (OP) height at 18m, and PPC 63 at 24m. While this view is taken from the Mclean Street and Allendale Road intersection, it shows private views from the properties at 4 and 4a Mclean Street are likely to be obstructed with built form at both 18m and 24m.
221. As a result, it is recommended that submission point 5.1 be **rejected**.
222. Submission 6.1 (Leon Lu) expresses a preference to retain an 18m height limit in the plan change area. In relation to the protection of existing views both the requestor and Mr Kensington agree



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that PPC 63 will represent a change in views for private viewing audiences and consider this change to be appropriate in this location.

223. As a result, it is recommended that submission point 6.1 be **accepted in part** and **rejected in part**.
224. Submission 7.1 (Katrina Elliot) raises concerns about increased levels of shading on their property due to the increase in allowable height resulting from PPC 63. Based on the Shadow Study (Drawing No. SK-100) Ms Elliot's property at 5 Woodward Avenue would experience an increase in shading at 8am on 22 June. I note that it is the north-western corner of the house on this property that would experience an increase in shading due to buildings of 24m in the plan change area and that this shading would pass by 9am in mid-winter and therefore find these effects to be acceptable given the short duration.
225. As a result, it is recommended that submission point 7.1 be **rejected**.
226. Submission 8.1 (W and R Property Holdings Limited) oppose PPC 63. No further concerns or information were provided in the submission. I note this submitter owns the property at 929 New North Road, within the plan change area.
227. As a result, it is recommended that submission point 8.1 be **rejected**.
228. Submission 10 (Tūpuna Maunga o Tāmaki Makaurau Authority) opposes PPC 63, specifically the increase to the HVC where greater than the Regionally Significant Volcanic Viewshaft A13 to Ōwairaka (Mount Albert). The Authority is concerned that introducing a building height above the viewshaft reduces the value of the viewshaft and will compromise the value of Ōwairaka as a locally, regionally and nationally significant landform.
229. Submission 10.1 (Tūpuna Maunga o Tāmaki Makaurau Authority) seeks that the HVC for land within the plan change area does not intrude into the Regionally Significant Volcanic Viewshaft A13 to Ōwairaka. Discussion on the role and status of the Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay in section 8.5 confirms that the overlay is a height limiting tool when applied to an area where a HVC exists.
230. Submission 10.2 (Tūpuna Maunga o Tāmaki Makaurau Authority) seeks the precise R.L. of the floor of the viewshaft relative to the plan change area be confirmed by a licenced cadastral surveyor in order to establish the maximum building height. This is usually required at the time of seeking resource consent, rather than being required through the plan change process. In my opinion, given the role of the Regional Significant Volcanic Viewshaft A13 as a height limiting tool, this exercise will be most helpful in considering effects once a development proposal can be assessed through the consenting process.
231. As a result, it is recommended that submission points 10.1 and 10.2 be **rejected**.
232. Submission 11.1 (Lloyd Austin) also expresses a preference to retain an 18m height limit in the plan change area and raises concerns relating to the protection of views to Ōwairaka. The RSVV will remain as the primary tool in the AUP (OP) to protect the view to Ōwairaka and limit the height of buildings in the plan change area where the RSVV lies below the HVC of 24m. Discussion on the role of the Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay in section 8.5 confirms that the overlay is a height limiting tool when applied to an area where a HVC exists. Further, more general comments are made in relation to increased shading to the southern [or south-eastern] side of New North Road, and the loss of sunlight in winter months. I recommend the modification of the spatial extent of the plan change area, with the requested change to and introduction of the HVC at 24m to apply only to the properties at 945A-975 New North Road. Changes to the visual landscape and shading have been discussed in sections 8.2 and 8.1 of this

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report and considered to be acceptable, with the exception of shading to the eastern BTC zoned properties on New North Road at 910-982 New North Road.

233. As a result, it is recommended that submission point 11.1 be **accepted in part**.
234. Submission 12.1 (Darryl Cocker) raises concerns around the increase in shading to their property at 998 New North Road. This property is zoned Business - Mixed Use and is occupied by a residential dwelling that sits well away from the New North Road street frontage, and located opposite the service lane between 947 and 945A New North Road. After reviewing the Shadow Study, it is likely this property will experience additional shading, in particular from 1pm on 22 June. On 22 June at 1pm and 2pm the increase in shading does not reach the dwelling, and by 3pm it partially covers the dwelling, as does shadow from an 18m built form, albeit to a less degree. By 4pm, the presence of the service lane directly opposite the property provides some respite from shading, while by 5pm much of the street at this time of year is in shadow at both 18m and 24m. The modelling indicates that on 23 September at 3pm the garden at the front of the property will experience additional shading, which would increase by 4pm but not reach the dwelling, and again by 5pm shadow would fall over much of the property from both 18m and 24m height. On 22 December at 5pm, shadow would also reach just inside of the front boundary. This location appears to be subject to a greater degree of increased shading than other submitters' properties, however, most of the shading is confined to the front garden area and does not reach the dwelling except on one occasion (3pm on 22 June) due to the increase in height resulting from PPC 63. I also note that the front garden is surrounded by a dense hedge of at least 2m in height that would itself be likely to contribute to some shading to the front garden. In the context of the full year, I consider the increase in shading to be minimal and limited to a short period of time across the year, and over limited time periods across the day.
235. As a result, it is recommended that submission point 12.1 be **rejected**.
236. Submission 13 (Auckland Transport) raises a number of issues relating to the need for further assessment to gain a greater understanding of potential effects and identify mechanisms to address these. Concerns include how cumulative effects (PPC 63 and PPC 64) are addressed, integration of the future enabled development with the local transport network including accessibility to and from the Mount Albert train station, and mitigation of any adverse transport effects.
237. The transport effects of PPC 63 are considered in detail in section 8.3 of this report. To summarise, many of the points raised by AT relate to a request for traffic modelling and associated assessment of network effects. Mr Collins has formed the view that traffic modelling is not required to support PPC 63, finding that although PPC 63 may contribute to an increase in traffic congestion, this is not a critical flaw, and that PPC 63 will both support and be supported by active transport modes and public transport. While Mr Collins makes a number of suggestions relating to potential mitigation measures, his support for PPC 63 is not conditional on these measures.
238. As a result, it is recommended that submission points 13.1, 13.3, 13.4 and 13.5 be **rejected**.
239. Submission point 13.2 relates to the cumulative effects of PPC 63 and PPC 64 and a request that these cumulative effects of both plan changes are considered and addressed. I consider this to be a reasonable request and rely on the advice from Mr Collins that PPC 64 is unlikely to generate a noticeable difference in traffic effects beyond what is anticipated by the current BTC zone, noting that if a significant traffic generator was enabled through PPC 64, Standard E27.6.1 enables traffic effects to be considered at the time of resource consent.
240. As a result, it is recommended that submission point 13.2 be **accepted**.

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241. Submission point 13.6 seeks the retention of the existing pedestrian access to the train station through 915-919 New North Road. Issues relating to access to the train station are considered in section 8.6 of this report and conclude that the existing access routes to be sufficient with opportunities for improvement with redevelopment of the plan change area, and while desirable to retain this access, other mechanisms to secure this are available.
242. As a result, it is recommended that submission point 13.6 be **accepted in part**.
243. Submission point 14.1 (Derek Bing) expresses a preference to retain the existing 18m height limit in the plan change area, raising concerns of a loss of visual amenity, shading and the impact of these effects on the viability and vibrancy of the retail and hospitality tenancies along the south [or south-eastern] side of New North Road. There are further comments in relation to the lack sun to the south side of New North Road at noon in mid-winter when sunshine would be most appreciated, especially by the numerous cafes. Ms Ogden-Cork agrees with the submitter in regard to the shading effects on the commercial activity at street level along this part of New North Road, noting that it is more likely to be limited sun from 12.30pm rather than 12 noon. I recommend the modification of the spatial extent of the plan change area, with the requested change to and introduction of the HVC at 24m to apply only to the properties at 945A-975 New North Road.
244. As a result, it is recommended that submission point 14.1 be **accepted in part**.
245. Submission point 16.1 (Michael Reid) raises concerns about increased levels of shading on their property due to the increase in allowable height resulting from PPC 63. I refer to Ms Ogden-Cork's analysis, that Mr Reid's property at 30 Willcott Street is likely to experience a slight increase in shading from the plan change area before approximately 8.30am at the equinox and in Summer based on the Shadow Study that considers shading from both a 18m and a 24m built form. Therefore I agree with Ms Ogden-Cork that while the concerns about shading from other properties are noted, I do not consider the effects from PPC 63 to be substantial given the limited amount of time to which it applies.
246. As a result, it is recommended that submission point 16.1 be **rejected**.
247. Submission point 17.1 (Lauren Mentjox) raises concerns relating to effects on the transport network, specifically traffic congestion, emissions, and the lack of measures to increase walking, cycling and public transport use. In addition, Ms Mentjox expresses concern that the plan change documents have only considered effects on arterial roads, and not the wider area or local residential side streets. Transport effects of PPC 63 are considered in detail in section 8.3 of this report, with Mr Collins concluding that adequate consideration to traffic effects has been given and that further assessment is unlikely to provide any meaningful information. In respect of encouraging and promoting the use of public transport and active transport modes, Mr Collins finds PPC 63 contributes to enabling the "right" type of intensification in the "right" location to support a greater uptake and shift to public and active transport options, acknowledging that PPC 63 is likely to contribute to an already congested network at peak times, but that this is not a critical flaw for PPC 63.
248. As a result, it is recommended that submission point 17.1 be **rejected**.
249. Submission point 18.1 (Richard Harry Wilburn) raises concerns relating to the additional height sought by PPC 63, stating that this would change the private view from his property at 12/22A Willcott Street to Ōwairaka. Without any evidence to the contrary, it is difficult to determine the effects of the loss of private views. The orientation of the building appears to be away from the rail corridor, with garaging, entrance and minimal glazing on the south-eastern aspect, indicating that most living areas of the dwelling are located to the north-west, and so away from the maunga and the plan change area. Ms Ogden-Cork confirms that even from the upper floor of 12/22A Willcott

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Street, built form up to 18m would block views to Ōwairaka, due to the level differences between the sites and proximity. I agree with this conclusion and consider that my recommendation to modify PPC 63, as set out in Appendix 9 to this report, may limit these effects to private views and will protect against a loss of amenity. Mr Wilburn also raises concerns about the gaps between commercial buildings, the effect this may have on the vitality of the town centre, and the historical importance of Mount Albert. I rely on the advice from Ms Ogden-Cork, and agree that the matter of special character protection is outside the scope of PPC 63, and the existing provisions in the AUP (OP) should be sufficient to address the risk of increased residential activity having an adverse effect on the vitality of the town centre, especially over the medium to long term.

250. As a result, it is recommended that submission point 18.1 be **rejected**.
251. That further submission FS01 be **rejected** for the reasons discussed in section 8.7 of this report.
252. That further submission FS04 be **accepted in part** in so far as the opposition to additional height within the plan change area is modified as set out in my recommendations in Appendix 9 to this report.
253. As a result of submissions 1.1, 4.1, 6.1, 11.1, and 14.1 and the analysis from Ms Ogden-Cork in relation to the effects of shading to the street from PPC 63, I suggest appropriate modification to PPC 63, with the requested change to and introduction of the HVC at 24m to apply only to the properties at 945A-975 New North Road.
254. These amendments are set out in Appendix 9 to this report and discussed below in section 12 and 13 of this report.

## 12. Potential Changes within the Scope of Submissions

255. The amendment I propose is set out in full in Appendix 9 and relates to the following effect:
  - Shading to the street
256. The rationale for my amendment to PPC 63 is to give better effect to Objective B2.3.1(1), Policies B2.3.2(1), B2.3.2(4), B2.5.2(2), Objectives H10.2(2), H10.2(3) and H10.2(8) and Policies H10.3(3), H10.3(13), H10.3(16) and H10.3(17) and Part 2 of the RMA, while allowing for the additional height and corresponding development capacity sought by PPC 63 in locations where the effects are acceptable.
257. The scope for making the amendment to PPC 63 comes from the submission points above (submission points 1.1, 4.1, 6.1, 11.1, and 14.1) that identified the adverse effects of shading on the street environment from the additional height sought by PPC 63 as requested.

## 13. Section 32AA Analysis of Recommended Changes

258. The changes recommended above require an additional assessment in accordance with S32AA of the RMA.
259. This further evaluation is only made in respect of the changes I have proposed in Appendix 9 to this report and discussed above and is at a level of detail which, in my opinion, corresponds to the scale and significance of the proposed changes.
260. In my opinion, by not applying the additional height requested by PPC 63 to 911-945 New North Road and retaining the existing HVC of 18m in this area, adverse shading effects to the street adjacent to the BTC zoned properties on the opposite side of New North Road are able to be avoided. In forming this opinion, I rely on the review of Ms Ogden-Cork who concludes that the

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quality of the pedestrian environment and public realm, becomes even more important as the area intensifies, and a key part of that is ensuring the provision of sunlight to key areas in town centres, at important times of the day, to encourage interaction and vibrancy of use.

261. In seeking to avoid or manage these effects, it is my view that to not apply the requested increase to the HVC to the properties at 911-945 New North Road is the better way to ensure the high quality amenity of the town centre environment and public realm, and support the objectives and policies of the RPS (Objectives B2.2.1(1), B2.3.1(1) and Policies B2.3.2(1), B2.3.2(4) and B2.5.2(2)) which seek a quality compact urban form that enables a higher-quality urban environment, where development responds to the intrinsic qualities and physical characteristics of the area, the function, role and amenity of centres are supported by ensuring development in centres contributes to an attractive and efficient urban environment and high-quality street environments; and the objectives of the BTC zone which require a high quality public realm to support intensification, and town centres that are attractive places to live, work and visit (Objectives H10.2(2), H10.2(3) and H10.2(8)).
262. It is my view that the changes to PPC 63 through my recommendations will result in less adverse effects on the environment, due to the avoidance of shading, than PPC 63 as notified. The effects caused by PPC 63 as modified by my recommendations as set out in Appendix 9 to this report, fall within the scope of effects between the status quo and the effects of the notified plan change and therefore, in my view, my recommendations are within the scope of decision makers on this plan change.

## 14. Conclusions

263. Having considered all of the information provided by the requestor, carried out an assessment of effects, reviewed all relevant statutory and non-statutory documents and made recommendations on submissions, I recommend that PPC 63 should be approved subject to the amendments to the planning maps of the Auckland Unitary Plan as set out in Appendix 9 to this report and discussed further in sections 12 and 13 of this report.
264. PPC 63, with my recommended amendments will:
- assist the council in achieving the purpose of the Resource Management Act 1991
  - give effect to the relevant National Policy Statements
  - be consistent with Auckland Unitary Plan Regional Policy Statement, and
  - be consistent with the Auckland Plan.

## 15. Recommendations

265. That, the Hearing Commissioners accept, accept in part, reject or reject in part submissions (and associated further submissions) as outlined in section 11 of this report.
266. That, as a result of the recommendations on the submissions, the Auckland Unitary Plan be amended by:
- the requested changes to the Auckland Unitary Plan proposed by PPC 63, as modified by my recommendations set out in Appendix 9 to this report.

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## 16. Signatories

Name and title of signatories	
Author	 <p>28 April 2022</p> <p>Clare Wall Shaw, Senior Policy Planner, Central and South Planning</p>
Reviewer / Approved for release	 <p>28 April 2022</p> <p>Fiona Sprott, Team Leader, Central and South Planning</p>

## **APPENDIX TWO**

### **SUMMARY OF SUBMISSIONS AND FURTHER SUBMISSIONS**





Plan Change 63 (Private): 911 - 975 New North Road, Mount Albert					
Summary of Decisions Requested					
Sub #	Sub Point	Submitter Name	Theme	Summary	Topic
1	1.1	Ronald Tapply	Decline the plan change	Seeks wider public consultation to canvas impingement of volcanic viewshaft, shading and wind tunnel effects, dominance, removal of shops and no parking provisions.	Consultation
2	2.1	David Ryan	Decline the plan change, unless concerns are resolved	Require off street parking.	Transport
3	3.1	Martyn Pratt	Decline the plan change	Seeks unspecified amendment [inferred no increase in building height].	Views
4	4.1	Trustee's of the Pat & Cath Coll Family Trust	Decline the plan change	Require consideration of loss of sunlight and amenity on residents on eastern side of New North Road.	Sunlight
4	4.2	Trustee's of the Pat & Cath Coll Family Trust	Decline the plan change	No other specific decision sought [concerned at loss of traditional heritage character of the area].	Neighbourhood character
5	5.1	Plunkett Family Trust Attn: Robert Maxwell Plunkett	Decline the plan change	No specific decision sought [seeking protection of views and volcanic viewshafts].	Volcanic viewshafts
6	6.1	Leon Lu	Decline the plan change	Retain the 18m building height.	Views
7	7.1	Katrina Elliott	Decline the plan change	No other specific decision sought [seeking to prevent additional shading of 5 Woodward Road, Mount Albert].	Shading
8	8.1	W and R Property Holdings Limited	Decline the plan change	No other specific decisions sought.	
9	9.1	Vincent Heeringa	Accept the plan change	Approve the plan change without amendments.	Support
10	10.1	Tūpuna Maunga o Tāmaki Makaurau Authority Attn: Dominic Wilson	Decline the plan change, unless concerns are resolved	Ensure the HVC [Height Variation Control] for this site does not intrude into the Regionally Significant Volcanic Viewshaft A13 to Ōwairaka.	Volcanic viewshafts
10	10.2	Tūpuna Maunga o Tāmaki Makaurau Authority Attn: Dominic Wilson	Decline the plan change, unless concerns are resolved	Provide confirmation from a licensed cadastral surveyor of the precise R.L. of the floor of the viewshaft relative to the plan change area to establish the maximum building height to comply with the viewshaft A13 to Ōwairaka.	Volcanic viewshafts
11	11.1	Lloyd Austin	Accept the plan change with amendments	Retain the existing building height for 911-975 New North Road, Mount Albert [18m].	Volcanic viewshafts
12	12.1	Darryl Cocker	Decline the plan change	No other specific decision requested [concern with shading].	Shading
13	13.1	Auckland Transport Attn: Kevin Wong-Toi	Decline the plan change, unless concerns are resolved	Provide a further transport assessment to confirm how the high level transport and integration outcomes sought by Auckland Transport will be given effect to. Include mechanisms (e.g. precinct provisions) to give effect to these outcomes. Refer to Attachment 1, pages 5-6 for details.	Transport
13	13.2	Auckland Transport Attn: Kevin Wong-Toi	Decline the plan change, unless concerns are resolved	Assess cumulative transport effects of plan change 63 and plan change 64 together. Identify any mitigation required and the delivery mechanism.	Transport
13	13.3	Auckland Transport Attn: Kevin Wong-Toi	Decline the plan change, unless concerns are resolved	Provide a further assessment to address the cumulative transport effects on the transport network, including the operation of intersections and key routes in the vicinity. Identify any mitigation required and the delivery mechanism. Refer to Attachment 1, pages 7-9 for details.	Transport
13	13.4	Auckland Transport Attn: Kevin Wong-Toi	Decline the plan change, unless concerns are resolved	Provide a further assessment based on appropriate assumptions that reflect travel patterns for the plan change area. Identify any mitigation required and the delivery mechanism. Refer to Attachment 1, page 9 for details.	Transport

Plan Change 63 (Private): 911 - 975 New North Road, Mount Albert					
Summary of Decisions Requested					
Sub #	Sub Point	Submitter Name	Theme	Summary	Topic
13	13.5	Auckland Transport Attn: Kevin Wong-Toi	Decline the plan change, unless concerns are resolved	Provide a further assessment of parking effects including effects on the use of public transport and on the transport network. Identify any mitigation required and the delivery mechanism. Refer to Attachment 1, pages 9-10 for details.	Transport
13	13.6	Auckland Transport Attn: Kevin Wong-Toi	Decline the plan change, unless concerns are resolved	Retain the existing pedestrian access to the train station [through 915-919 New North Road] and provide a further assessment of effects on this access and servicing facilities, including need for enhanced or additional access to the train station. Identify any mitigation required and the delivery mechanism.	Transport
14	14.1	Derek Bing	Decline the plan change	Retain the existing 18m maximum height limit.	
15	15.1	Kāinga Ora Attn: Brendon Liggett	Accept the plan change	Amend the Height Variation Control to include all land zoned TCZ [Town Centre zone].	Height Variation Control
15	15.2	Kāinga Ora Attn: Brendon Liggett	Accept the plan change	Apply the Height Variation Control at 24m height limit for the MUZ [Mixed Use zone].	Height Variation Control
15	15.3	Kāinga Ora Attn: Brendon Liggett	Accept the plan change	Review by council of overall building heights and spatial application of the HVC [Height Variation Control] across all the Business zoned land within the Mount Albert centre.	Height Variation Control
16	16.1	Michael Reid	Decline the plan change	No other specific decision sought. [concerned at shading and loss of maunga views].	Views
17	17.1	Lauren Mentjox	Decline the plan change	No other specific decision sought [concerned at traffic congestion, emissions, lack of measures to increase walking, cycling and public transport use].	Transport
18	18.1	Richard Harry Wilburn	Decline the plan change	Maintain building frontage control.	Building Control frontage

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 63 - ronald tapply  
**Date:** Saturday, 24 July 2021 2:30:12 PM

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: ronald tapply

Organisation name:

Agent's full name: ronald tapply

Email address: tapron@xtra.co.nz

Contact phone number:

Postal address:

23 willcott street mt albert

mt albert

Auckland 1025

**Submission details**

**This is a submission to:**

Plan change number: Plan Change 63

Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

**My submission relates to**

Rule or rules:

Significant volcanic viewshaft and shading (sunlight) Lack of a parking plan. Possible removal of shops/business in what should be a shopping precinct.

Property address: 911 – 975 New North Road, Mount Albert

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

impingement of the significant volcanic viewshaft, which will affect many residents and others that enjoy a view of the iconic MtAlbert/Owairaka Maunga. Also, the village will be entombed in gloom, bye bye sunlight, with a likelihood of a wind tunnel being created. This needs proper public consultation, and hundreds of properties need to be individually notified. The activity would be out of scale with the landscape or at odds with the local pattern and landform which results in a reduction in landscape and / or visual amenity value. Also a worry about removal of shops and no parking provision.

I or we seek the following decision by council: Decline the plan change

Submission date: 24 July 2021

**Attend a hearing**

Do you wish to be heard in support of your submission? No

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 63 - David Ryan  
**Date:** Monday, 26 July 2021 5:30:30 pm

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: David Ryan

Organisation name:

Agent's full name:

Email address: 67goliath@gmail.com

Contact phone number: 0275655121

Postal address:  
1042 New North Rd  
Mt.Albert  
Mt.Albert 1025

**Submission details**

**This is a submission to:**

Plan change number: Plan Change 63

Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

**My submission relates to**

Rule or rules:  
Plan change 63

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The increased traffic on the street and the lack of solutions to the parking of vehicles of potential residents, customers and workers. It is almost impossible to park in this section of New North Rd now.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: off street parking

Submission date: 26 July 2021

**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 63 - David Ryan  
**Date:** Monday, 26 July 2021 6:30:30 pm

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: David Ryan

Organisation name:

Agent's full name:

Email address: 67goliath@gmail.com

Contact phone number: 0275655121

Postal address:  
1042 New North Rd  
Mt.Albert  
Mt.Albert 1025

**Submission details**

**This is a submission to:**

Plan change number: Plan Change 63

Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

**My submission relates to**

Rule or rules:  
Plan change 63

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
Shadow cast by the proposed buildings

I or we seek the following decision by council: Decline the plan change

Submission date: 26 July 2021

**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 63 - Martyn Pratt  
**Date:** Monday, 26 July 2021 8:30:33 pm

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Martyn Pratt  
Organisation name:  
Agent's full name: Martyn Pratt  
Email address: martyn.pratt1974@gmail.com  
Contact phone number:  
Postal address:  
49a Allendale Road Mt Albert  
Auckland  
Auckland 1025

**Submission details**

**This is a submission to:**

Plan change number: Plan Change 63  
Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

**My submission relates to**

Rule or rules:  
Increasing allowable height from 18 to 24M  
Property address: 911-975 New North Road

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
Increase in height will block views of the volcanic cones from streets north of New North Road.  
Increase in height will also restrict views from Allendale road to the west including sea views.

I or we seek the following decision by council: Decline the plan change

Submission date: 26 July 2021

**Attend a hearing**

Do you wish to be heard in support of your submission? No

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 63 - Cathy Coll  
**Date:** Tuesday, 27 July 2021 12:00:39 pm

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Cathy Coll

Organisation name: Trustee's of the Pat & Cath Coll Family Trust

Agent's full name:

Email address: [accounts@collelectrical.co.nz](mailto:accounts@collelectrical.co.nz)

Contact phone number:

Postal address:

po-box 12252

Penrose

Auckland

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 63

Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

##### **My submission relates to**

Rule or rules:

The raising of the max height from 18 to 24 meters

Property address: 956-960 New North Road

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Matt Riley argues in "It is my view therefore that the 'additional shadow' cast by the proposed Plan Change on residential land to the east of New North Road either falls within existing shading or is already 'built in' to the AUP (OP) development controls of surrounding land. For this reason, I consider that any shading that may be generated by the increased building bulk beyond that generated by the existing operative heights on the Plan Change site is contemplated by the AUP: OP and would have acceptable effects".

I won't go into the mental gymnastic's Mr Riley performed to come to the conclusion that increasing the height would result in "acceptable effects" on sunlight to those on the eastern side of New North Road. Other than to say that that this is clearly a logical fallacy. As increasing the height from 18 to 24 meters will clearly see a substantial increase in year round loss of light on the properties located on the Eastern side of New North Road. It is basic physic's. The sun will clearly fall behind the proposed 24m Western facing buildings a lot earlier if the building is 24 meters instead of 18. The

effect of this is a significant additional loss in amenity to those who reside on the Eastern side of New North Road as everyone loves sunlight.

Further going 24 meters will see the character of the area change significantly. 5/6 story buildings will complement the traditional historic 2 to 3 story buildings that currently exist in the neighbourhood much more suitably. If you build 8 stories the character of the area will be significantly more impacted. The 8 story buildings will just not complement the historic 2/3 story buildings all that well.

In essence If council can give serious consideration to this loss of sunlight to the residents on the Eastern side of New North Road this will be appreciated. It is a serious effect that will cause a significant loss to the "human environment" of those residing on the Eastern side of New North Road. Further building 8 stories will change the character of the area notably in comparison to the current 6 story zoning.

I or we seek the following decision by council: Decline the plan change

Submission date: 27 July 2021

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [val\\_bob@xtra.co.nz](mailto:val_bob@xtra.co.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Plan Change to AUP 63 Mt Albert 1025  
**Date:** Wednesday, 28 July 2021 3:15:14 pm

---

Greetings to you at the Auckland City Council.

I am submitting a response to the proposed Plan Change (private) 911-975 New North Rd, Mt Albert 1025 re Tram Lease, where there has been presented and accepted a proposal Plan Change 63 to increase hight beyond present settings.

Myself and my wife are: Robert Maxwell Plunkett and Valerie Plunkett living at 4 Mclean St, with one of our Daughters and her two young daughters (our grandchildren) living at 4a Mclean St, 2 separate titles, this is all under the PLUNKETT FAMILY TRUST.

Our personal address: 4 Mclean St  
Auckland 1025  
[val\\_bob@xtra.co.nz](mailto:val_bob@xtra.co.nz)  
M 021 730508

We are both retired at 77 years and 74yrs respectively, we have lived in this block for around 30yrs. We overlook 911 terrain, with BP garage to our slight left and the liquor shop + to o the right. From our front deck we clear vision taking in the Western area in a wide sweeping range from Waitakere's including the upper harbour towards Te Atatu, over to Pt Chev the harbour to the hills of Green Hithe and North shore, and onto the elevated Birkenhead region and Hobsonville, we often remark when visiting that we see both Mt Albert and Mt Eden down harbour, Auckland's quite beautiful.

As to the Proposal and Plan: We are sure this returning Baron Developer who's seeking a change to the hight restriction in Mt Albertand is well aware of the cone protection position that is in place, ensuring every Aucklander has from near or far the opportunity to view Auckland's volcanic wonder without too and much of a hinderance. Tram Lease previously had attempted to overshoot the hight restrictions in an environment hearing in the past, they were well and truly put in their place, profit being their driving force and their silly argument was seen through at the time. Well the Baron is back with even more hight required, but the argument remains the same, you cant block Aucklanders wide and far right of enjoyment and from seeing with their own eyes the splendour of nature's deposit in this place.

Honestly who doesn't love to bask in the beauty the jewel of Rangitoto Island as we fly or sail into Auckland NZ, and we observe by SEEING we are not only a City of Sails, Auckland is unique, with the multiplicity of actual volcanic Mounts and their respective wonderful character they display, Cones we call them, that's well and truly an understatement, this violent volcanic past of ours is still very" real time" evident in our present, and better still we get the enjoy the spectacular daily, this is where our 1<sup>st</sup> Native New Zealander residents lived loved and fought and died as well, and we get to know about that, we get to respect that, and now we get to save that as well.

Thank you for your time and the offer we have to respond.  
Sincerely. Plunkett Family Trust



**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 63 - Leon Lu  
**Date:** Wednesday, 28 July 2021 10:30:21 pm

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Leon Lu

Organisation name:

Agent's full name:

Email address: gllu@hotmail.com

Contact phone number:

Postal address:

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 63

Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

##### **My submission relates to**

Rule or rules:

increase the Height Variation Control that applies to 911-953 New North Road from 18m to 24m

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

18 m is high enough for this area. 24 will block the mountain or sea view of a lot of the houses on the two sides of New North Rd. Buildings above the current height limit will look weird, like the ugly yellow residential building next to the New Lynn transport centre.

I or we seek the following decision by council: Decline the plan change

Submission date: 28 July 2021

#### **Attend a hearing**

Do you wish to be heard in support of your submission? No

#### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 63 - Katrina Elliott  
**Date:** Thursday, 5 August 2021 11:30:08 am

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Katrina Elliott

Organisation name:

Agent's full name: Katrina Elliott

Email address: [kelliott@slingshot.co.nz](mailto:kelliott@slingshot.co.nz)

Contact phone number:

Postal address:  
5 Woodward Road  
Mt Albert  
Auckland  
Auckland 1025

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 63

Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

##### **My submission relates to**

Rule or rules:

Property address: 911-975 New North Road

Map or maps: 911-975 New North Road

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The increased height in the buildings on New North Road would prevent light coming onto my property which is already a dark property

I or we seek the following decision by council: Decline the plan change

Submission date: 5 August 2021

#### **Attend a hearing**

Do you wish to be heard in support of your submission? No

#### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [Ravi Jha - Riviera Wines](#)  
**To:** [Unitary Plan](#)  
**Cc:** [ravi@rivierawines.co.nz](mailto:ravi@rivierawines.co.nz)  
**Subject:** WE OPPOSSE PROPOSED PLAN CHANGE 63 (PRIVATE) 911-975 NEW NORTH ROAD , MOUNT ALBERT  
**Date:** Thursday, 12 August 2021 11:15:23 am

---

Hi

We oppose this plan change .I am the owner of 929 ,New North Road ,Mount Albert .

In case of any questions or queries please do not hesitate to contact me on 0275780038.

Regards

Ravi Jha

Director

W and R Property Holdings Limited



**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 63 - Vincent Heeringa  
**Date:** Tuesday, 17 August 2021 9:15:56 am

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Vincent Heeringa

Organisation name:

Agent's full name: Vincent Heeringa

Email address: vincent.heeringa@gmail.com

Contact phone number:

Postal address:

1 Mt Albert Rd  
Mt Albert  
Mt Albert  
Auckland  
Auckland 1025

**Submission details**

**This is a submission to:**

Plan change number: Plan Change 63

Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

**My submission relates to**

Rule or rules:

All the changes proposed in Plan 63

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

We strongly support the intensification of the New North Road and other Mt Albert corridors and believe this Plan Change will speed up that process. We support intensification for the following reasons:

- Auckland is desperately short of homes and urban intensification is a fast and relatively easy solution to increasing supply
- Auckland must reduce its reliance on cars so increasing the urban population especially on transport nodes is critical
- to meet its climate change commitments Aucklanders must use alternative transport modes, which is best served by intensification
- a denser population will add to the vibrancy and commercial viability of Mt Albert as a hub

I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 17 August 2021

**Attend a hearing**

Do you wish to be heard in support of your submission? No

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**FORM 5**  
**RESOURCE MANAGEMENT ACT 1991**

**Submission on notified private plan change 63: 911 – 975 New North  
Road, Mount Albert**

17 August 2021

Planning Technician  
Auckland Council  
Private Bag 92300  
Auckland 1142  
BY EMAIL [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**Introduction**

1. This submission is made on behalf of the Tūpuna Maunga o Tāmaki Makaurau Authority (**the Authority**).
2. The submission is to Proposed Private Plan Change 63 (**the plan change**) to the Auckland Unitary Plan (Operative in part) (**AUP**). This plan change seeks to increase the Height Variation Control (**HVC**) – that applies to 911-953 New North Road, Mount Albert from 18m to 24m and apply a HVC to 955-975 New North Road, Mount Albert to enable buildings up to 24m.

**Tūpuna Maunga Authority**

3. In 2014, following five years of Te Tiriti of Waitangi settlement negotiations, 14 Tūpuna Maunga were transferred to the 13 iwi/hapū of Ngā Mana Whenua o Tāmaki Makaurau. The Tūpuna Maunga are held in Trust for the benefit of those iwi/hapū and other people of Auckland.
4. Governance and administration of the Tūpuna Maunga is undertaken by the Authority. This is a co-governance body with equal representation from mana whenua and Auckland Council (together with a non-voting Crown representative).

5. Under section 109 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, the Authority must have regard to the spiritual, ancestral, cultural, customary, and historical significance of the Tūpuna Maunga to Ngā Mana Whenua.
6. The Tūpuna Maunga are among the most significant spiritual, cultural, historical, archaeological and geological landscapes in the Auckland region. The maunga are sacred to Mana Whenua as taonga tuku iho (treasures handed down the generations). The Authority has a direct interest in protecting views to, from and between the Tūpuna Maunga.

### **Scope of the submission**

7. This submission is limited to those provisions that may impact on the Tūpuna Maunga:
  - a. The increase in the HVC where greater than the Regionally Significant Volcanic Viewshaft (**RSVV**) A13 to Ōwairaka (Mount Albert).

### **Tūpuna Maunga Authority submission**

8. The Authority opposes the following specific parts of the plan change:
  - a. That part of the HVC applying a building height to 923 - 945A, or part thereof, and 955 - 975 New North Road, or part thereof, greater than the RSVV A13 to Ōwairaka.

### **Reasons for the submission**

9. The reasons for this submission are that the plan change:
  - a. Does not promote the sustainable management of resources, and will not achieve the purpose of the Resource Management Act 1991 (**RMA**);
  - b. Is inconsistent with Part 2 of the RMA, particularly sections 6(b), 6(e), 7(a) and 8;
  - c. Does not avoid, remedy or mitigate the adverse effects of the proposal on mana whenua;
  - d. Is not the most appropriate way to achieve the objectives of the Auckland Unitary Plan, in terms of section 32 of the RMA;
  - e. RSVV have been recognised by Auckland Council as a qualifying matter under the National Policy Statement on Urban Development (**NPS-UD**).<sup>1</sup>
10. Without limiting the generality of the above, the Authority makes the following additional comments in support of its submission.

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<sup>1</sup> Planning Committee, 1 July 2021



*Regionally Significant Volcanic Viewshaft A13 to Ōwairaka*

11. The proposed HVC of 24m is above the RSVV shown on the planning maps:
  - a. for approximately 212m at the northern end of the plan change and applying to 923 - 945A New North Road, or part thereof; and
  - b. for approximately 90m at the southern end of the plan change and applying to 955 - 975 New North Road, or part thereof.
12. The Auckland Unitary Plan maps are a guide to the maximum building heights permitted by the RSVV. The precise R.L of the floor of the viewshaft relative to the plan change area has not been confirmed by a licensed cadastral surveyor. In the absence of this information, the extent of effects on the RSVV cannot be assessed.
13. The Authority is concerned that establishing a zone height above the RSVV sets an expectation that this height is acceptable and can be realised across the entire plan change area.
14. There is a very clear direction in the AUP to avoid any effects of buildings into the viewshaft. Significant public views to Auckland maunga are to be protected from inappropriate use and development.<sup>2</sup> This is to be achieved by avoiding activities that modify of the view, or significantly detract from the values of the view,<sup>3</sup> and establishing height limits which control future development that could encroach into the views and erode the significance of the maunga.<sup>4</sup>
15. The Authority is concerned that introducing a building height above the viewshaft reduces the value of the viewshaft and will compromise the value of Ōwairaka as a locally, regionally and nationally significant landform.
16. Auckland Council has resolved that Volcanic Viewshafts and Height Sensitive Areas are qualifying matters that modify the NPS-UD direction to intensify around rapid transit areas. This being the case, the minimum building height limits specified in the Policy 3 of the NPS-UD will not apply to land within the RSVV to Ōwairaka.

**Decision by the Council**

17. The Tūpuna Maunga Authority seeks the following decisions by the Auckland Council:
  - a. Decline Private Plan Change 63; or
  - b. If Private Plan Change 63 is not declined, amend plan change to limit the building height so that:

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<sup>2</sup> Objective B4.3.1

<sup>3</sup> Policy B4.3.2(3)(a) & (b)

<sup>4</sup> Policy B4.3.2(4)(b)

- (i) the HVC for land subject to this plan change will not intrude into the Regionally Significant Volcanic Viewshaft A13 to Ōwairaka; and
  - (ii) the precise R.L of the floor of the viewshaft relative to the plan change area be confirmed by a licenced cadastral surveyor in order to establish the maximum building height to comply with b.(i) above.
- c. Any other relief that addresses the concerns of the Tūpuna Maunga Authority.
18. The Tūpuna Maunga Authority could not gain an advantage in trade competition through this submission.
19. The Tūpuna Maunga Authority wishes to be heard in support of this submission.
20. If others make a similar submission, the Tūpuna Maunga Authority will consider presenting a joint case with them at the hearing.

10 August 2021



Dominic Wilson  
Head of Co-governance / Te Pou Mana Whakahaere  
Tūpuna Maunga o Tāmaki Makaurau Authority

**Address for service of submitter:**

Tūpuna Maunga o Tāmaki Makaurau Authority  
C/- Dominic Wilson  
Private Bag 92300  
Victoria Street West  
Auckland 1142  
[dominic.wilson@aucklandcouncil.govt.nz](mailto:dominic.wilson@aucklandcouncil.govt.nz)

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 63 - Lloyd Austin  
**Date:** Wednesday, 18 August 2021 4:30:54 pm  
**Attachments:** [Submission.pdf](#)

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The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Lloyd Austin  
Organisation name:  
Agent's full name: Lloyd Austin  
Email address: lloydaustin2@gmail.com  
Contact phone number:  
Postal address:  
2/986A New North Rd  
Mt Albert  
Auckland 1025

**Submission details**

**This is a submission to:**

Plan change number: Plan Change 63  
Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

**My submission relates to**

Rule or rules:  
The additional height for the buildings in the proposal  
Property address: 911-975 New North Road, Mt Albert  
Map or maps: Map sections from 911-975 New North Rd - supplied with Auckland Council letter of 20 July 2021  
Other provisions:  
Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified  
Do you wish to have the provisions you have identified above amended? Yes  
The reason for my or our views are:  
Please refer to the attached submission.  
I or we seek the following decision by council: Approve the plan change with the amendments I requested  
Details of amendments: Keep allowed height to currently approved level. Do not permit increase to 24 metres  
Submission date: 18 August 2021  
Supporting documents  
Submission.pdf

**Attend a hearing**

Do you wish to be heard in support of your submission? No

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**Submission on Proposed Plan Change 63 (Private): 911-975 New North Rd, Mt Albert**

**Submitted by: Lloyd Austin**

**Address: 2/986A New North Rd, Mt Albert, Auckland, 1025**

**Phone: 021 027 028 03**

**Email: lloydaustin2@gmail.com**

This is a submission to the above Proposed Plan Change 63. We have no dispute with the development of the site of the proposal and accept the idea that housing needs to be intensified in Auckland. We do however have an objection to the height of proposal 63 for the following reasons:

1. There are a few areas in Auckland which need to be protected from buildings that will permanently block views that have previously been protected by rules, court orders and legislation. These are Auckland's volcanic cones.

2. Mt Albert is one of these cones of regional significance and Viewshaft 13, which covers Mt Albert from the Te Atatu motorway interchange and this western view was described<sup>1</sup> as:

*'an important gateway and Mt Albert can be seen as part of a sequence of volcanic maunga and therefore the Panel considers that the value of the view to the social and cultural well-being of the people of Auckland outweighs the opportunity costs of development foregone'.*

3. Tram Lease Ltd (TTL) has made at least one previous attempt (*Tram Lease Limited v Auckland Council [2015] NZEnvC 113*), to override the protection of viewshaft 13. The case upheld the status of viewshaft 13 as being regionally significant - the maximum height was stated to be nine metres.

4. TTL's current application (for 24 metres) appears to be linked to the recent Government's recent *National Policy Statement on Urban Development (NPS-UD)*, which promotes the construction of six-storey buildings around train stations on the Western, Southern and Eastern rail lines and stops along the Northern Busway.

However, if a *'qualifying matter'* applies, meaning 'things of national significance in the Resource Management Act, such as protecting historic heritage and the **relationship of Māori to their ancestral lands and taonga**' the application can be opposed.

5. Maori have consistently opposed any erosion of the views of Auckland's volcanic cones. In 2016 The Auckland Development committee, which includes two members of the Maori Statutory Board, voted to retain some viewshafts to Mt Albert, Mt Eden and Mt Wellington.

In 2018 the Tupuna Maunga Authority which governs 14 of Auckland's maunga obtained a declaration from the Environment Court<sup>2</sup> that in areas where two sets of rules apply to protect

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<sup>1</sup> In the Auckland Unitary Plan, Independent Hearings Panel: Report to Auckland Council Hearing topic 020 Viewshafts July 2016.

<sup>2</sup> TOPUNA MAUNGA 0 TAMAKI MAKARAUA AUTHORITY and AUCKLAND COUNCIL: Decision No. [2018] NZEnvC 206 Date 17 October 2018.

viewshafts, the more restrictive set of rules prevails. The application to the court stated that the maunga stand as the *'essence of Auckland'* and:

*'As Auckland continues to grow and intensify, the Tupuna Maunga are increasingly important as spiritual and aesthetic anchors for all Auckland communities, and as valuable open spaces and places of refuge in an urban landscape'* the authority said in its application to the court. The authority, which governs 14 of the city's maunga as a result of the Tamaki Collective Treaty settlement. said the maunga stand as the *"essence of Auckland"*.

6. Other developers on Mt Albert with potential viewshaft problems have voluntarily limited the height of their development. For example, the developers of The Everil-Orr retirement home/hospital in Allendale Rd stated at meeting in 2020 of local residents possibly affected by their developments, that they had limited the height of their buildings to three levels instead of the possible four which they were entitled to. One of the reasons stated was their buildings may block the views of other residents (of Auckland).

7. In the Independent Hearings Panel discussions in 2016, the possibility of relaxing the rules for Housing NZ because it needed development for vulnerable people was discussed as a possible exception. This is certainly not the case for TLL, which is developing the site for the best gain it can achieve.

8. I have looked at the analysis provided by B&A Urban and Environmental for TLL, which appears to be the only publicly available economic/financial report of TLL's proposal. In this analysis it is not apparent that 24 metres is essential for the success of the project. TLL could accept a lower (but still very good) level of profit with a lower height – this would be consistent with the idea that the cultural well-being of the people of Auckland outweighs the opportunity costs of development foregone.

9. The development of the proposed 24 metres on the TLL-owned side of New North Rd will create a 'canyon effect' with the high-rises on one side of the road and the steep foothills of Mt Albert on the other.

10. Despite the 'additional shadow' comments in the B&A analysis, a 24-metre development will block the sunlight for the 4-5 winter months of the year when the sun sets low in the north-west and cast shadows over the houses on the opposite (southern) side of New North Rd.

11. If the application for 24 metres is accepted all previous arguments for protecting the view shafts are negated. Any applicant for a height that has this effect needs to be lucky with one successful bid. The citizens of Auckland need to be lucky with every bid.

**Conclusion:** We are not opposed to the development of the proposed project, but for the above reasons would request that the height of the development is restricted to less than 24 metres. Using the idea put forward in the Tupuna Maunga Authority Environment Court declaration we would ask that the more restrictive height limit should be applied, that is the height of the proposal should be limited to what is currently allowed\* rather than the new 24 metres requested.

\* Auckland Council's letter of 20 July 2021 states from that TLL is requesting an increase from 18 to 24 metres. If the current allowed level is 18 metres, then the height should be limited to 18 metres. If the current level allowed is lower, then that lower level should be applied.

Regards Lloyd Austin

**Submission on Proposed Plan Change 63 (Private): 911-975 New North Rd, Mt Albert**

**Submitted by: Lloyd Austin**

**Address: 2/986A New North Rd, Mt Albert, Auckland, 1025**

**Phone: 021 027 028 03**

**Email: lloydaustin2@gmail.com**

This is a submission to the above Proposed Plan Change 63. We have no dispute with the development of the site of the proposal and accept the idea that housing needs to be intensified in Auckland. We do however have an objection to the height of proposal 63 for the following reasons:

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However, if a *'qualifying matter'* applies, meaning 'things of national significance in the Resource Management Act, such as protecting historic heritage and the **relationship of Māori to their ancestral lands and taonga**' the application can be opposed.

5. Maori have consistently opposed any erosion of the views of Auckland's volcanic cones. In 2016 The Auckland Development committee, which includes two members of the Maori Statutory Board, voted to retain some viewshafts to Mt Albert, Mt Eden and Mt Wellington.

In 2018 the Tupuna Maunga Authority which governs 14 of Auckland's maunga obtained a declaration from the Environment Court<sup>2</sup> that in areas where two sets of rules apply to protect

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<sup>2</sup> TOPUNA MAUNGA 0 TAMAKI MAKARAUA AUTHORITY and AUCKLAND COUNCIL: Decision No. [2018] NZEnvC 206 Date 17 October 2018.

viewshafts, the more restrictive set of rules prevails. The application to the court stated that the maunga stand as the *'essence of Auckland'* and:

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6. Other developers on Mt Albert with potential viewshaft problems have voluntarily limited the height of their development. For example, the developers of The Everil-Orr retirement home/hospital in Allendale Rd stated at meeting in 2020 of local residents possibly affected by their developments, that they had limited the height of their buildings to three levels instead of the possible four which they were entitled to. One of the reasons stated was their buildings may block the views of other residents (of Auckland).

7. In the Independent Hearings Panel discussions in 2016, the possibility of relaxing the rules for Housing NZ because it needed development for vulnerable people was discussed as a possible exception. This is certainly not the case for TLL, which is developing the site for the best gain it can achieve.

8. I have looked at the analysis provided by B&A Urban and Environmental for TLL, which appears to be the only publicly available economic/financial report of TLL's proposal. In this analysis it is not apparent that 24 metres is essential for the success of the project. TLL could accept a lower (but still very good) level of profit with a lower height – this would be consistent with the idea that the cultural well-being of the people of Auckland outweighs the opportunity costs of development foregone.

9. The development of the proposed 24 metres on the TLL-owned side of New North Rd will create a 'canyon effect' with the high-rises on one side of the road and the steep foothills of Mt Albert on the other.

10. Despite the 'additional shadow' comments in the B&A analysis, a 24-metre development will block the sunlight for the 4-5 winter months of the year when the sun sets low in the north-west and cast shadows over the houses on the opposite (southern) side of New North Rd.

11. If the application for 24 metres is accepted all previous arguments for protecting the view shafts are negated. Any applicant for a height that has this effect needs to be lucky with one successful bid. The citizens of Auckland need to be lucky with every bid.

**Conclusion:** We are not opposed to the development of the proposed project, but for the above reasons would request that the height of the development is restricted to less than 24 metres. Using the idea put forward in the Tupuna Maunga Authority Environment Court declaration we would ask that the more restrictive height limit should be applied, that is the height of the proposal should be limited to what is currently allowed\* rather than the new 24 metres requested.

\* Auckland Council's letter of 20 July 2021 states from that TLL is requesting an increase from 18 to 24 metres. If the current allowed level is 18 metres, then the height should be limited to 18 metres. If the current level allowed is lower, then that lower level should be applied.

Regards Lloyd Austin



**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 63 - Darryl Cocker  
**Date:** Thursday, 19 August 2021 10:15:19 am

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The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Darryl Cocker

Organisation name:

Agent's full name: Darryl Cocker

Email address: [darryl@andelsconstruction.co.nz](mailto:darryl@andelsconstruction.co.nz)

Contact phone number:

Postal address:  
998 New North Rd  
Mt Albert  
Auckland 1025

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 63

Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

##### **My submission relates to**

Rule or rules:

Property address: 998 New North rd

Map or maps: Plan Change 63

Other provisions:  
Shadow change from 945a and 947 with the increased height

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
The adverse change of shadow affect caused by the change of height from 18m to 24 m

I or we seek the following decision by council: Decline the plan change

Submission date: 19 August 2021

#### **Attend a hearing**

Do you wish to be heard in support of your submission? No

#### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

19 August 2021

Plans and Places  
Auckland Council  
Private Bag 92300  
Auckland 1142

Attn: Sarah El Karamany

Email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**SUBMISSION ON PROPOSED PRIVATE PLAN CHANGE 63: 911-975 NEW NORTH ROAD, MOUNT ALBERT**

Please find attached Auckland Transport's submission on Proposed Private Plan Change 63 to the Auckland Unitary Plan (Operative in Part).

Should you have any queries in relation to this submission, please contact me on (09) 447 4200 or at [kevin.wong-toi@at.govt.nz](mailto:kevin.wong-toi@at.govt.nz).

Yours sincerely



Kevin Wong-Toi  
**Principal Planner, Land Use Policy and Planning Central**

**Cc:**

Barker & Associates Ltd  
PO Box 1986  
Shortland Street  
Auckland 1140  
Attention: Karl Cook/Shannon Fallon

## **SUBMISSION BY AUCKLAND TRANSPORT ON PROPOSED PRIVATE PLAN CHANGE 63 - 911-975 NEW NORTH ROAD, MOUNT ALBERT**

**To:** Auckland Council  
Private Bag 92300  
Auckland 1142

**Submission on:** Proposed Private Plan Change 63 from Tram Lease Limited to increase the Height Variation Control at 911- 953 New North Road from 18m to 24m and apply a Height Variation Control at 955-975 New North Road to enable buildings up to 24m

**From:** Auckland Transport  
Private Bag 92250  
Auckland 1142

### **1. Introduction**

- 1.1 Tram Lease Ltd ('the applicant') has lodged a Private Plan Change ('PC 63' or 'the Plan Change') to the Auckland Unitary Plan: Operative in Part ('AUP(OP)'). The Plan Change seeks to increase the Height Variation Control at 911- 953 New North Road from 18m to 24m and apply a Height Variation Control at 955-975 New North Road to enable buildings up to 24m.
- 1.2 Auckland Transport is a Council-Controlled Organisation of Auckland Council ('the Council') and the Road Controlling Authority for the Auckland region. Auckland Transport has the legislated purpose to contribute to an 'effective, efficient and safe Auckland land transport system in the public interest'.<sup>1</sup> Auckland Transport is responsible for the planning and funding of most public transport; promoting alternative modes of transport (i.e. alternatives to the private motor vehicle); operating the local roading network; and developing and enhancing the local road, public transport, walking and cycling network for the Auckland Region.
- 1.3 Auckland Transport is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

### **2. Assessment of Private Plan Change 63 and Private Plan Change 64**

- 2.1 Private Plan Change 63 was notified contemporaneously with Private Plan Change 64 for the same applicant (Tram Lease Ltd). Private Plan Change 64 proposes additional changes that would apply to 953 New North Road which is also subject to the changes proposed as part of Private Plan Change 63. Although these plan changes have been notified separately, the potential transport effects of the two plan changes should ideally be considered as a whole. A separate submission has been

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<sup>1</sup> Local Government (Auckland Council) Act 2009, section 39.

made on Private Plan Change 64, and Auckland Transport's submission points on both plan changes should be considered together.

**3. Specific parts of the Plan Change that this submission relates to:**

3.1 The specific parts of the Plan Change that this submission relates to are set out in **Attachment 1**. In keeping with Auckland Transport's purpose, the matters raised relate to potential effects on the transport network and how the development enabled by the Plan Change will integrate with the local transport infrastructure and facilities.

3.2 Auckland Transport opposes the Plan Change unless:

- The potential adverse transport effects of the Plan Change are appropriately assessed and mitigated;
- Auckland Transport's concerns as outlined in this submission, including in **Attachment 1**, are resolved.

3.3 Auckland Transport is available and willing to work through the matters raised in this submission with the applicant.

**4. The decisions sought by Auckland Transport are:**

4.1 The decisions which Auckland Transport seeks from the Council are set out in **Attachment 1**. In keeping with Auckland Transport's purpose, the matters raised relate to transport, and include:

- Adequacy of the transport assessment in addressing the cumulative effects of the enabled development potential
- Integration of the Plan Change with the local transport network including accessibility to and from Mt Albert train station
- Mitigation of any adverse transport effects

4.2 In all cases where amendments to the Plan Change are proposed, Auckland Transport would consider alternative wording or amendments which address the reason for Auckland Transport's submission. Auckland Transport also seeks any consequential amendments required to give effect to the decisions requested.

**5. Appearance at the hearing:**

5.1 Auckland Transport wishes to be heard in support of this submission at a hearing.

5.2 If others make a similar submission, Auckland Transport will consider presenting a joint case with them at the hearing.

**Name:** Auckland Transport

**Signature:**



Christina Robertson  
Group Manager, Strategic Land Use and Spatial Management

**Date:** 19 August 2021

**Contact person:** Kevin Wong-Toi  
Principal Planner, Land Use Policy and Planning Central

**Address for service:** Auckland Transport  
Private Bag 92250  
Auckland 1142

**Telephone:** (09) 447 4200

**Email:** [kevin.wong-toi@at.govt.nz](mailto:kevin.wong-toi@at.govt.nz)

## Attachment 1

Topic	Support / Oppose	Reason for submission	Decision requested
Entire plan change	Oppose	<p>Auckland Transport recognises the positive effects of enabling intensification which is accessible to good quality public transport and is supported by integrated planning that optimises the scale, type and form of development to bring about mutually reinforcing benefits with the existing or planned transport facilities and services. However, based on the transport assessment accompanying the Plan Change, Auckland Transport is concerned that the potential adverse transport effects of the development proposed to be enabled by the Plan Change and the mechanisms to give effect to the potential positive benefits have not been adequately assessed as a whole.</p> <p>The applicant's assessment defers the consideration of a number of transport related matters to any future resource consent applications. This approach does not provide any certainty that the overall transport effects of the Plan Change will be assessed or whether relevant transport effects will be appropriately assessed and mitigated as a whole.</p>	Decline the plan change, unless Auckland Transport's concerns, as outlined in this submission, are resolved.
Giving effect to transport and land use integration outcomes	Oppose	<p>Auckland Transport supports growth where the transport and land use outcomes are implemented in an integrated manner in terms of optimising investment in public transport, providing accessibility to transport alternatives and appropriately managing network impacts and effects. Key high level outcomes that Auckland Transport is seeking in regard to integrated transport and land use outcomes include the following:</p> <ul style="list-style-type: none"> <li>• Providing opportunities for public transport uptake which may include addressing any barriers to accessibility (e.g. busy roads, areas with safety risks) and avoiding or appropriately mitigating these barriers to maximise safety, permeability and connectivity.</li> <li>• Enabling modal shift to public transport particularly within the immediate walking catchment of the train station (indicatively an 800 metre or ten minute walk) and increased density of land use</li> </ul>	<p>Auckland Transport requests that the applicant provides further transport assessment to confirm how the Plan Change will give effect to these transport and land use integration outcomes.</p> <p>Depending on the outcome of that assessment, include mechanisms (e.g. precinct provisions) to give effect to the identified integrated transport and land use outcomes.</p>

Topic	Support / Oppose	Reason for submission	Decision requested
		<p>within this catchment to support increased public transport patronage.</p> <ul style="list-style-type: none"> <li>• Encouraging a diversity or range of land use activities located within a defined catchment that has the potential to reduce travel distances and vehicle trips with origins/destinations (e.g. housing, offices and institutional activities) being in close proximity and providing opportunities for multi-purpose walking and/or public transport trips as an alternative to private vehicle trips.</li> <li>• The functional and amenity-based design of the physical built-form elements within the walkable catchment (e.g. streets, public transport facilities, buildings and public spaces) can influence and enable increasing the levels of walking between local destinations and transit stations / stops.</li> <li>• The level of car parking provision can influence level of mode shift achieved within a development area. On-site parking is discouraged and provided in lower numbers compared to surrounding development.</li> </ul> <p>The opportunities for intensification around Mt Albert train station are acknowledged. The assessment provided by the application does not clearly demonstrate how these outcomes will be achieved as a whole based on the extent of the plan change. In this regard, the integration of transport and land use is essential to manage potential and actual adverse transport effects, as well as encouraging positive transport effects.</p> <p>The mechanisms for delivering these outcomes is also unclear and uncertain with the assessment documents provided to support the Plan Change application suggesting that transport matters will be assessed and addressed at the resource consent stage.</p>	



Topic	Support / Oppose	Reason for submission	Decision requested
Assessment of transport effects and mitigation requirements – scope of assessment	Oppose	<p>Private Plan Change 63 was notified at the same time as Private Plan Change 64 for the same applicant (Tram Lease Ltd). Private Plan Change 64 proposes additional changes that would apply to 953 New North Road which is also subject to the changes proposed as part of Private Plan Change 63. Although these plan changes have been notified separately, the potential transport effects of the two plan changes should be considered as a whole to understand the potential combined cumulative effects.</p> <p>A separate submission has been made on Private Plan Change 64, and Auckland Transport's submission points on both plan changes should be considered together.</p>	<p>Auckland Transport requests that the applicant assess the cumulative transport effects of Private Plan Change 63 and Private Plan Change 64 together as a whole.</p> <p>Depending on the outcome of that assessment, to identify any mitigation required and the mechanism to give effect to the delivery of the mitigation measures.</p>
Assessment of transport effects and mitigation requirements – cumulative effects	Oppose	<p>The transport assessment has provided a discussion around the potential trips generated based on the AUP(OP) enabled level of estimated development potential and the incremental increase in development proposed to be enabled by the Plan Change. The assessment notes that the increase in vehicle movements associated with the incremental increase in development proposed to be enabled by the Plan Change would be shared between the New North Road / Carrington Road / Mt Albert Road and the New North Road / Woodward Road / Richardson Road intersections and that effects would be minimal in the context of the volume of turning movements these intersections already cater for in peak periods.<sup>2</sup> The assessment has therefore not considered the effects on the operation of these intersections in terms of the cumulative effects taking into account the additional trips generated by the Auckland Unitary Plan enabled development. Further assessment of these cumulative effects is required and the identification of any required mitigation with implementation measures.</p> <p>This assessment is important to understand any impacts on New North Road, Carrington Road, Mt Albert Road, Richardson Road (as arterial routes) and Woodward Road (as a collector route) and the operation of</p>	<p>Auckland Transport requests that the applicant provides further assessment (based on the 'mode share based' approach or similar) to address the cumulative transport effects on the transport network, including the operation of intersections and key routes in the vicinity of the Plan Change based on the AUP(OP) and the Plan Change proposed to be enabled levels of development potential.</p> <p>Depending on the outcome of that assessment, to identify any mitigation required and the mechanism to give effect to the delivery of the mitigation measures.</p>

<sup>2</sup> Proposed Plan Change - New North Road, Mt Albert Transport Assessment, September 2020, section 4.1

Topic	Support / Oppose	Reason for submission	Decision requested
		<p>intersections in the vicinity of the Plan Change. These arterial routes form part of the Frequent Transit Network bus services and the Major cycling network.<sup>3</sup></p> <p>As part of Auckland Transport's comments<sup>4</sup> on a draft version of the transport assessment, an alternative approach was suggested to assess the network operation effects associated with the increase in overall trips and to inform potential mitigation measures. Auckland Transport supports the approach set out in the earlier comments provided to the applicant or similar approach that will provide a more robust assessment of the potential transport effects.</p> <p>This earlier ('mode share based') proposed approach to address the network operation effects is summarised as follows:</p> <ul style="list-style-type: none"> <li>• Discuss / identify historic / current mode share</li> <li>• Discuss / identify predicted mode share (e.g. using Macro Strategic Model (MSM) mode split outputs from the relevant zone)</li> <li>• Identify trip generation across all modes based on the current and predicted mode split proportions</li> <li>• Apply appropriate trip generation rates to indicate predicted vehicle trip generation</li> <li>• Identify vehicle trip distribution assumptions and apply / assign vehicle trips</li> <li>• Assess network / operation impacts (including intersection analysis) for existing, AUP(OP) proposed to be enabled &amp; Plan</li> </ul>	

<sup>3</sup> <https://maps.at.govt.nz/futureconnect>

<sup>4</sup> Proposed Plan Change - New North Road, Mt Albert Transport Assessment, September 2020, Appendix 2

Topic	Support / Oppose	Reason for submission	Decision requested
		Change proposed to be enabled development and the role of public transport to mitigate these effects.	
Assessment of transport effects and mitigation requirements – assumptions used in the assessment	Oppose	<p>The applicant's transport assessment makes certain assumptions that inform the analysis of potential transport effects. This includes assumptions around the trip generation rates applied and estimated active mode and public transport trips using references such as surveys from the Smales Farm Private Plan Change 23. The context of the survey information from the Smales Farm private plan change is not considered to be directly comparable to the existing or future development scenario set out in the Plan Change. For example, Smales Farm is an established employment destination (around 58,000m<sup>2</sup> GFA)<sup>5</sup> with only ancillary supporting commercial activities, while the Plan Change that is subject to this submission is anticipated to have a significant amount of residential development. These differences would influence the expected travel patterns and potential transport effects.</p> <p>As the applicant's assessment places an emphasis on the potential role of public transport to support the Plan Change's proposed level of development, it is important to ensure that the assessment applies appropriate assumptions. As noted above, Auckland Transport supports the 'mode share based' approach set out in the earlier comments provided to the applicant<sup>6</sup> or a similar approach that will provide a more robust assessment of the potential transport effects.</p>	<p>Auckland Transport requests that the applicant provides further assessment on the basis of appropriate assumptions that reflect the travel patterns for the Plan Change area and that this may include the 'mode share based' approach set out above or similar approach that will provide a more robust assessment of the potential transport effects.</p> <p>Depending on the outcome of that assessment, to identify any mitigation required and the mechanism to give effect to the delivery of the mitigation measures.</p>
Assessment of transport effects and mitigation	Oppose	There is limited assessment of the parking related effects generated by the Plan Change. <sup>7</sup> The overall level of car parking provided by the developer based on the anticipated demands generated by the development can influence the level of mode shift achieved within a development area. Given the Plan Change's expectation that there will	Auckland Transport requests that the applicant provides further assessment of the parking related effects including the extent that parking (provision) will affect both the utilisation of public

<sup>5</sup> Private Plan Change 23 Explanation, Assessment of Environmental Effects and Section 32 Analysis Prepared for Northcote RD 1 Holdings Limited by: Vaughan Smith Planning Limited March 2019, paragraph 3.5

<sup>6</sup> Proposed Plan Change - New North Road, Mt Albert Transport Assessment, September 2020, Appendix 2

<sup>7</sup> Proposed Plan Change - New North Road, Mt Albert Transport Assessment, September 2020, Section 4.5 notes that parking provision would be assessed against the relevant AUP(OP) parking standards as part of any future resource consent application.

Topic	Support / Oppose	Reason for submission	Decision requested
requirements – parking effects		be an increase in the use of public transport, it is important that there is further assessment of the parking provision as a whole to understand the extent that parking will affect both the utilisation of public transport and the potential effects on the operation of the transport network including spill-over effects.	transport and the potential effects on the operation of the transport network.  Depending on the outcome of that assessment, to identify any mitigation required and the mechanism to give effect to the delivery of the mitigation measures.
Assessment of transport effects and mitigation requirements – access and servicing	Oppose	<p>Part of the Plan Change area is currently serviced by Ballast Lane which is located between the rail corridor and existing block of buildings at 911 to 945 New North Road. The existing at grade carpark at 915-919 New North Road provides pedestrian access through to the Mount Albert train station. This parcel is held by Auckland Council in a leasehold arrangement with the applicant.<sup>8</sup></p> <p>Maintaining and enhancing good quality pedestrian access to and from the train station is a prerequisite to support the use of the station facilities and to potentially mitigate the adverse transport effects of intensification associated with the Plan Change. Servicing of the future redeveloped sites will also be important with potential demands expected to be greater than current levels of activity.</p> <p>There is no assessment of these access and servicing facilities and no certainty that these will be retained or how these will function based on the development proposed to be enabled by the Plan Change. Auckland Transport supports the retention of the existing pedestrian access to the rail station and requests further assessment of these existing facilities and the provision of additional pedestrian facilities.</p>	<p>Auckland Transport seeks that the existing pedestrian access to the train station is retained and requests that the applicant provides further assessment of effects on the existing pedestrian access and servicing facilities including the need for enhanced or additional pedestrian access facilities to and from the train station.</p> <p>Depending on the outcome of that assessment, to identify any mitigation required and the mechanism to give effect to the delivery of the mitigation measures.</p>

<sup>8</sup> Private Plan Change Request New North Road, Mt Albert, Section 32 Assessment Report, 17 February 2021, section 4.1

**From:** [Derek Bing](#)  
**To:** [Unitary Plan](#)  
**Subject:** Fw: Submission on Proposed Plan Change PC 63  
**Date:** Thursday, 19 August 2021 2:20:48 pm  
**Attachments:** [SUBMISSION ON PLAN CHANGE PC63.docx](#)

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Attention: Planning Technician

Please find below the two page submission form relating to Plan Change 63, and a separate sheet attachment above outlining my views on the matter.

Thank you,

Derek Bing

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

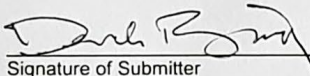
I wish to have the provisions identified above amended Yes  No

The reasons for my views are:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*(continue on a separate sheet if necessary)*

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

  
\_\_\_\_\_  
Signature of Submitter  
(or person authorised to sign on behalf of submitter)

18 August 2021  
\_\_\_\_\_  
Date

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could  / could not  gain an advantage in trade competition through this submission.

*If you could gain an advantage in trade competition through this submission please complete the following:*

I am  / am not  directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Submission on a notified proposal for policy statement or plan change or variation  
Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

**Submitter details**

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

Derek Bing

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

219 Pt Chevalier Rd, Pt Chevalier, Auckland  
1022

Telephone:

021 818 465

Fax/Email:

d.m.bing@outlook.com

Contact Person: (Name and designation, if applicable)

**Scope of submission**

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC ~~64~~ 64

Plan Change/Variation Name

911 - 975 New North Road, Mount Albert (~~PC 64~~ PC 63)

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

PC 63 - gives to increase allowable lot from 18m to 24m.

Or

Property Address

Or

Map

PC 64 - no objection

Or

Other (specify)

**Submission**

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

oppose PC 63.

Further to the hand written form attached:

My submission is: I oppose the application to increase the allowable height of buildings at 911-975 New North Rd from 18m to 24m.

The reasons for my views are:

I am the owner of the building at 896 New North Rd leased by Vinnies Barbershop. While not directly affected by the application, the survival of my lessee depends on the success of the Mt Albert Shopping area. Businesses are struggling, and the proposal has nothing but adverse effects on the street's amenities.

The present 18m height was set presumably after careful consideration of the needs of the wider community, but even so, the height is problematic as the zone is on the north side of New North Rd and therefore will cast a significant shading over the road.

The proposed height of 24 meters is an increase of 33%, with a corresponding increase in shading. This will guarantee that no sun will reach the south side of New North Rd at noon in mid-winter, a time when sunshine would be most appreciated, especially by the numerous cafes situated there.

The 33% increase in height for such a long length of the road would also cause a significant loss of visual amenity, turning this section of New North Rd into a shadowy canyon.

Allowing this increase would seem completely at odds with the recently completed and still controversial improvements to this section of the road.

In summary,

The proposal has nothing but adverse effects on the area.

The existing 18m max height was set for a reason and deemed acceptable by its inclusion in the District Plan. Allowing an increase to 24m would cause a significant loss of physical and visual amenity and would be contrary to the aims of the District Plan.

That an application of this magnitude should even be made seems a blatant lack of respect for the rest of the community, and driven solely by a profit motive.

I therefore strongly oppose the application.

Derek Bing



19 August 2021

**Attn: Planning Technician**  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

**Submission sent via email:** [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**SUBMISSION ON PROPOSED PLAN CHANGES 63 (PRIVATE): 911 – 975 NEW  
NORTH ROAD, MOUNT ALBERT**

**AUCKLAND UNITARY PLAN (OPERATIVE IN PART)**

**Introduction**

Kāinga Ora – Homes and Communities (“**Kāinga Ora**”) at the address for service set out below, provides the following submission on Tram Lease Limited’s Proposed Private Plan Change 63 (Private): 911 – 975 New North Road (“**PC63**”), Mount Albert. PC63 seeks changes to the Auckland Unitary Plan (Operative in Part) (“**AUP(OP)**”) maps to increase the Height Variation Control (“**HVC**”) that applies to 911-953 New North Road (Business - Town Centre Zone) from 18m to 24m and apply a new HVC to 955-975 New North Road (Business – Mixed Use Zone) to enable buildings up to 24m. The plan change seeks to accommodate an additional one to two storeys of buildings by comparison with the current AUP (OP) provisions.

**Background**

1. Kāinga Ora was established in 2019 as a statutory entity under the Kāinga Ora-Homes and Communities Act 2019 (“**KOHC Act**”). Kāinga Ora merged together the Housing New Zealand Corporation (“**Housing NZ**”), HLC (2017) Ltd and parts of the KiwiBuild Unit in October 2019. Under the Crown Entities Act 2004, Kāinga Ora is listed as a Crown agent and is required to give effect to Government policies.
2. Kāinga Ora is now the Government’s delivery entity for housing and urban development as mandated under the KOHC Act. Kāinga Ora therefore works across the entire

housing spectrum in New Zealand to create complete, diverse communities that enable New Zealanders from all backgrounds to have similar opportunities in life. As a result, Kāinga Ora has two core roles:

- a) Being a world class public housing landlord; and
  - b) Leading and co-ordinating urban development projects.
3. Kāinga Ora's statutory objective requires it to contribute to sustainable, inclusive, and thriving communities that:
- a) Provide people with good quality, affordable housing choices that meet diverse needs; and
  - b) Support good access to jobs, amenities and services; and
  - c) Otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
4. Kāinga Ora is focused on delivering quality urban developments by accelerating the availability of build-ready land, and building a mix of housing including public housing, affordable housing, homes for first home buyers, and market housing of different types, sizes and tenures.
5. In the Auckland region, the public housing portfolio managed by Kāinga Ora comprises approximately 29,514 dwellings<sup>[1]</sup>. Auckland is a continued priority to reconfigure and grow Kāinga Ora's housing stock to provide efficient and effective public and affordable housing that is aligned with current and future residential demand in the area, and the country as a whole.
6. Kāinga Ora has a shared interest in the community as a key stakeholder, alongside local authorities. Kāinga Ora's interests lie in the provision of public housing to persons who are unable to be sustainably housed in private sector accommodation, and in leading and co-ordinating residential and urban development projects. Kāinga Ora works with local authorities to ensure that appropriate services and infrastructure are delivered for its developments.

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<sup>1</sup> Sourced from: *Managed Kāinga Ora Rental Properties by Territorial Local Authority as at 31 March 2021*  
<https://kainqora.govt.nz/assets/Publications/Managed-stock/Managed-Stock-ALB-March-2021.pdf>

7. In addition to its role as a public housing provider, Kāinga Ora also has a significant role as a landowner, landlord, rate payer and developer of residential housing. Strong relationships between local authorities and central government are key to delivering government's priorities on increasing housing supply.
8. Policy decisions made at both central and local government level have impacts on housing affordability. The challenge of providing affordable housing will require close collaboration between central and local government to address planning and governance issues to reduce the cost of construction, land supply constraints, infrastructure provisions and capacity as well as an improved urban environment.
9. Kāinga Ora is interested in all issues that may affect the supply and affordability of housing. These include the provision of services and infrastructure and how this may impact on Kāinga Ora existing and planned housing, community development and Community Group Housing suppliers.
10. In addition to the above, Kāinga Ora will play a greater role in urban development in New Zealand. The legislative functions of Kāinga Ora illustrate this broadened mandate and outlines two key roles of Kāinga Ora in that regard:
  - a. Initiating, facilitating and/or undertaking development not just for itself, but in partnership or on behalf of others; and
  - b. Providing a leadership or coordination role more generally.

### **Scope of Submission**

11. The submission relates to Plan Changes 63 as a whole.
12. It should be noted that Kāinga Ora does not own any property within the area subject to PC63. However, it has an interest in the proposed plan change for the reasons listed above.

### **The submission is:**

13. Kāinga Ora **supports** proposed PC 63.
14. Kāinga Ora supports the proposed Height Variation Control from 18m to 24m in the parts of the application site that are zoned TCZ. This will contribute to intensification within the town centre area and increase level of development that is located in close proximity i.e. approximately 200m or less than a 5-minute walk from the Mt Albert train station.

This will contribute to enabling additional housing and business supply for Auckland, in particular for the Mt Albert suburb. The proposal is consistent with the direction of the Auckland Regional Policy Statement (“RPS”) in B2.2 urban growth and form and B2.5 for commercial growth.

15. Kāinga Ora also supports increasing the height in parts of the application site that are zoned MUZ by applying the HVC allowing development of buildings to 24m in height rather than the maximum height limit of 18m in the MUZ. This will create an opportunity to provide for a mixed use development that contributes to a quality compact urban form and increase in housing supply and/or commercial floor space. The increased height will enable an increase in commercial and/or residential floor area immediately adjoining the Mount Albert town centre, on land within walking distance to the Mount Albert train station and with direct access to the frequent bus network that runs along New North Road. The proposal is aligned with enabling intensification around walkable catchments of existing and planned rapid transit stops. This is consistent with the directions of the RPS as outlined in B2.2 urban growth and form, in particular policies B2.2.2(5), B2.2.2(6) objective B2.4.1(3) and policy B2.5.2(2) of the AUP(OP).
16. While not part of the private plan change Kāinga Ora recommends that Council consider reviewing the overall building heights and spatial application of the HVC across all of the Business zoned land within the Mt Albert Centre as prepare a plan change to optimise the outcomes for this centre in the future. The proposed private plan change has not included the remainder of the Mt Albert town centre which should also be subject to at least the same, if not greater level of intensification for the same reasons as outlined for PC 63.
17. Kāinga Ora notes that the regional significant viewshaft A13 – Mt Albert applies to the entire plan change area. The proponent has stated that the viewshaft floor applicable in the plan change area ranges between 24.5m to 27.5m in height, decreasing to 21.5m at its southern corner and 20.5m at its northern corner. Kāinga Ora considers the proposal to enable buildings under the zone controls up to heights of 24m is appropriate acknowledging that the any effects on the viewshaft are managed by the provisions of the Volcanic Viewshaft Overlay. Kāinga Ora is of the view that overlays should not undermine the zoning of the site for intensification including applying the maximum building height control sought. These matters can be assessed at time a design proposal is submitted for resource consent.
18. Kāinga Ora acknowledges that as this location is within a walking catchment to a rapid transit stop this location is a candidate for Council to implement future plan changes to enable building heights of at least six stories in accordance with the requirements of the NPS UD. The probable building height that could be applied in these locations will be

subject to further investigation and likely plan change processes by the Council. Kāinga Ora's view is that these locations are prime locations for high levels of urban intensification as it is adjacent to amenities, services and frequent serviced transport and considers that Council's future processes may well consider and/or determine that heights greater than those proposed by this plan change an appropriate outcome.

### **Relief Sought**

19. Kāinga Ora seek the following decisions from Auckland Council on PC63 and any consequential relief necessary to satisfy Kāinga Ora's concerns:
  - a. Amend the Height Variation Control to include all land zoned TCZ as proposed in PC 63; and
  - b. Apply the Height Variation Control at 24m height limit for the MUZ as per PC 63; and
  - c. Any consequential relief necessary is adopted to satisfy Kāinga Ora's concerns.
20. Kāinga Ora does not consider it can gain an advantage in trade competition through this submission.
21. Kāinga Ora does wish to be heard in support of this submission.



.....  
**Brendon Liggett**  
**Development Planning Manager**  
**Kāinga Ora – Homes and Communities**

### **ADDRESS FOR SERVICE:**

Kāinga Ora – Homes and Communities

PO Box 74598, Greenlane, Auckland

Email: [developmentplanning@kaingaora.govt.nz](mailto:developmentplanning@kaingaora.govt.nz)



**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 63 - Michael Reid  
**Date:** Thursday, 19 August 2021 3:00:46 pm

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The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Michael Reid

Organisation name:

Agent's full name: Mike Reid

Email address: mike.reid60@yahoo.co.nz

Contact phone number: 0274955711

Postal address:  
30 Willcott Street  
Mount Albert  
Auckland 1025

**Submission details**

**This is a submission to:**

Plan change number: Plan Change 63

Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

**My submission relates to**

Rule or rules:

Plan change 63 aims to increase the allowable building height from 18 to 24 metres.

Property address: 911-975 New North Rd Mt Albert

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The proposed plan change will cause a shading issue over our property by blocking morning sun particularly over the summer months. We are on a south facing slope and already suffer winter shading due to a commercial building at 22B Willcott and a pair of Pohutukawa trees at 26A Willcott. Additionally we will lose our view of the Maunga which we have enjoyed since purchasing our property in 2007.

I or we seek the following decision by council: Decline the plan change

Submission date: 19 August 2021

**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?

Yes

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 63 - Lauren Mentjox  
**Date:** Thursday, 19 August 2021 3:15:17 pm

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Lauren Mentjox

Organisation name:

Agent's full name:

Email address: lauren.mentjox@gmail.com

Contact phone number: 02102281925

Postal address:  
41A Allendale Road  
Mt Albert  
Auckland 1025

**Submission details**

**This is a submission to:**

Plan change number: Plan Change 63

Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

**My submission relates to**

Rule or rules:  
Height variation from 18m to 24m at 911-953 New North Road and 955-975 New North Road.

Property address: 911-953 New North Road and 955-975 New North Road.

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
The AUP requires the effect on the efficient operation of the transport network to be considered.

However, the proposed change has not considered the effect additional traffic volumes will have on the wider area, having only focused on arterial roads. Residential side streets such as Allendale Road are already used as a rat run due to delays on New North Road and this will become significantly worse with the proposed plan change.

The transport assessment estimates that increasing the height level of the buildings could be expected to generate "some 112 to 383 additional vehicle movements in peak hours. This represents a 5% to 17% increase in peak hour vehicle movements..."

There is already too much congestion in the area and a 5% - 17% will lead to additional strain on New North Road and lead to additional traffic volumes on Allendale Rd. Allendale Road is already

bursting with traffic, not only in peak hours, but all day and weekend long. The traffic calming measures do not work and I am concerned that the environmental and health harm additional traffic will bring to residents.

Increased traffic leads to increased emissions - at a time that Auckland Council and Auckland Transport are unable to meet carbon reduction targets. Additional traffic also poses a serious safety risk for residents and children attending local schools.

Greater density is definitely needed in Auckland, and especially along the arterial routes. But consideration must be given to residential side streets that will be significantly negatively affected by changes that will bring additional traffic to the neighbourhood.

This plan fails to provide a plan for how to increase walking, cycling and public transport use and any new development should be doing this to reduce the single occupancy car use that is still taken as a given in this city, despite the fact we have a climate emergency.

As such, an increase in six metres will only create more congestion, and environmental harm to a local town centre that is already overrun with traffic and traffic planning failures.

I or we seek the following decision by council: Decline the plan change

Submission date: 19 August 2021

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?

Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 63 - Richard Harry Wilburn  
**Date:** Thursday, 19 August 2021 9:00:12 pm

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Richard Harry Wilburn

Organisation name:

Agent's full name:

Email address: rhwilburn@gmail.com

Contact phone number:

Postal address:

3 Churton street

Parnell

Auckland 1052

**Submission details**

**This is a submission to:**

Plan change number: Plan Change 63

Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

**My submission relates to**

Rule or rules:

Plan changes 63 and 64

Property address: 12/22a Willcott Street

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

Changing to mixed use (and raising the height restrictions) would change the view of the volcano (mt albert) from our property. It would also work against Mt Albert city center by potentially creating more gaps between commercial buildings that convert to residential. The town center has suffered since St Lukes went in; however it has been recovering over time.

Mt Albert is very history (ie the 2nd main township in Auckland after Remuera) and as such should have its building frontage control maintained as it has a unique part of Aucklands development and History.

I or we seek the following decision by council: Decline the plan change

Submission date: 19 August 2021

**Attend a hearing**

Do you wish to be heard in support of your submission? No

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan further submission - Plan Change 63 - Pam Butler Senior RMA Adviser  
**Date:** Wednesday, 6 October 2021 8:15:48 pm

---

The following customer has submitted a Unitary Plan online further submission.

#### **Contact details**

Full name of person making a further submission: Pam Butler Senior RMA Adviser

Organisation name: KiwiRail Holdings Limited

Full name of your agent:

Email address: Pam.butler@kiwirail.co.nz

Contact phone number: 0275708571

Postal address:  
8-14 Stanley Street  
Parnell  
Parnell  
Auckland 1010

#### **Submission details**

**This is a further submission to:**

Plan change number: Plan Change 63

Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

#### **Original submission details**

Original submitters name and address:  
Auckland Transport  
Private Bag 92250  
Auckland 1142

Submission number: 13

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:  
Point number 13.1

The reasons for my or our support or opposition are:  
KiwiRail's further submission to Auckland Transport's submission points 13.1 on Plan Change seeks to reinforce the need to protect the transport network, including regionally significant transport like the North Auckland Line ("NAL") which is adjacent to the Plan Change site. It is important that transport services and operations are not compromised by any adverse effects created by the proposed increased height/adjacent development and the Plan change addresses how these matters. This can include whether new lineside neighbours are able to enjoy safe and high-quality urban environments.

The proposed increase in height will permit a higher level of development on the land than would otherwise be permitted increasing the potential for adverse health effects on residents and safety issues from the greater height near the corridor. KiwiRail acknowledges that developing and intensifying land near transport corridors is good planning practice and initiatives to create sustainable and liveable urban development in accordance with national policy documents is

supported, provided that effects on infrastructure can be appropriately managed. No consideration has been given to assessing what effects the plan change development might have on the operation of the adjacent railway corridor and how these effects might be managed as required under policy B2.4.2(7) to 'Manage adverse reverse sensitivity effects from urban intensification on land with existing incompatible activities'.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 6 October 2021

### **Attend a hearing**

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

Acting for and on behalf of KiwiRail, adjacent landowner and transport network operator.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

7 October 2021

Plans and Places  
Auckland Council  
Private Bag 92300  
Auckland 1142

Attn: Sarah El Karamany

Email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**RE: FURTHER SUBMISSION ON PROPOSED PRIVATE PLAN CHANGE 63 – 911-975  
NEW NORTH ROAD, MOUNT ALBERT**

Please find attached Auckland Transport's further submission to the submissions lodged on Proposed Private Plan Change 63 from Tram Lease Limited.

If you have any queries in relation to this further submission, please contact Kevin Wong-Toi on 09 447 4200 or email [Kevin.Wong-Toi@at.govt.nz](mailto:Kevin.Wong-Toi@at.govt.nz)

Yours sincerely



Kevin Wong-Toi  
**Principal Planner, Land Use Policy and Planning Central**

cc:

Barker & Associates Ltd, PO Box 1986, Shortland Street, Auckland 1140

Attention: Karl Cook / Shannon Fallon

1 Mount Albert Road, Mount Albert, Auckland 2015

Attention: Vincent Heeringa

Kāinga Ora – Homes and Communities, PO Box 74598, Greenlane, Auckland 1051

Attention: Brendon Liggett

Encl: Auckland Transport's Further Submission on Proposed Private Plan Change 63 – 911-975 New North Road, Mount Albert

**FORM 6: FURTHER SUBMISSION BY AUCKLAND TRANSPORT ON PROPOSED PRIVATE PLAN CHANGE 63 – 911-975 NEW NORTH ROAD, MOUNT ALBERT**

**To:** Auckland Council  
Private Bag 92300  
Auckland 1142

**Further submission on:** Proposed Private Plan Change 63 – 911-957 New North Road, Mount Albert from Tram Lease Limited to increase the Height Variation Control at 911-953 New North Road from 18m to 24m and apply a Height Variation Control at 955-975 New North Road to enable buildings up to 24m

**From:** Auckland Transport  
Private Bag 92250  
Auckland 1142

**1. Introduction**

- 1.1 Auckland Transport represents a relevant aspect of the public interest and also has an interest in the proposal that is greater than the interest that the general public has. Auckland Transport's grounds for specifying this are that it is a Council-Controlled Organisation of Auckland Council ('the Council') and Road Controlling Authority for the Auckland region.
- 1.2 Auckland Transport's legislated purpose is "to contribute to an effective, efficient and safe Auckland land transport system in the public interest."

**2. Scope of Further Submission**

- 2.1 The specific parts of the submissions supported, opposed or where Auckland Transport has a neutral position, provided any transport implications arising from accepting a submission are addressed, and the reasons for Auckland Transport's position, are set out in **Attachment 1**.
- 2.2 The decisions which Auckland Transport seeks from the Council in terms of allowing or disallowing submissions are also set out in **Attachment 1**.



**3. Appearance at the Hearing**

- 3.1 Auckland Transport wishes to be heard in support of this further submission.
- 3.2 If others make a similar further submission, Auckland Transport will consider presenting a joint case with them at the hearing.



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Signed for and on behalf of Auckland Transport

Christina Robertson

**Group Manager: Strategic Land Use and Spatial Management**

7 October 2021

Address for service of further submitter:

Kevin Wong-Toi, Principal Planner  
Planning and Investment  
Auckland Transport  
20 Viaduct Harbour Avenue  
Auckland Central  
Auckland 1010

Email: [Kevin.Wong-Toi@at.govt.nz](mailto:Kevin.Wong-Toi@at.govt.nz)

**Attachment 1:**

<b>Submitter</b>	<b>Submission Point</b>	<b>Summary of Submission</b>	<b>Support or Oppose</b>	<b>Reason for Auckland Transport's Further Submission</b>	<b>Decision Sought</b>
Vincent Heeringa	9.1	Approve the plan change without amendments	Oppose	The submitter supports approving the plan change without any amendments. As outlined in Auckland Transport's primary submission, Auckland Transport has identified issues and concerns that require further assessment to address the transport effects of the proposal, including cumulative effects.	Decline the submitter's relief
Kainga Ora – Homes and Communities	15.1	Amend the Height Variation Control to include all land zoned Business – Town Centre Zone	Oppose	The submitter requests amending the Height Variation Control under the Auckland Unitary Plan to include all land with an underlying Business - Town Centre zone through this plan change, without an appropriate assessment of the potential and actual transport-related effects or mitigation proposed / required. Such amendments are subject to Auckland Council's work on implementing the National Policy Statement on Urban Development 2020 and enabling any wider intensification will require a transport assessment.	Decline the submitter's relief

7<sup>th</sup> October 2021

**Attn: Planning Technician**

Auckland Council

Level 24, 135 Albert Street

Private Bag 92300

Auckland 1142

**Submission sent via email:** [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**FURTHER SUBMISSION ON PROPOSED PLAN CHANGES 63 (PRIVATE): 911 –  
975 NEW NORTH ROAD, MOUNT ALBERT**

**AUCKLAND UNITARY PLAN (OPERATIVE IN PART)**

1. Kāinga Ora – Homes and Communities (“**Kāinga Ora**”) at the address for service makes this further submission on the Proposed Plan Change 63 (Private): 911 – 975 New North Road (“**the proposed plan change**”) in support of/in opposition to original submissions to the proposed plan change.
2. Kāinga Ora is a person who has an interest in the proposed plan change that is greater than the interest the general public has, being an original submitter on the proposed plan change with respect to its interests as a Crown agency responsible for the provision of state housing, and its housing portfolio in Auckland.
3. Kāinga Ora makes this further submission in respect of submissions by third parties to the proposed plan change provisions to the extent that they directly affect the relief sought in its own submission, which seeks the application of the Height Variation Control i.e. including all land zoned Town Centre Zone and applying a 24m height limit to land zoned Mixed Use Zone as per the proposed plan change. Kāinga Ora believes that Overlays i.e., Volcanic View shaft Overlay should not undermine the zoning of the site. The matters relating to the development proposal should be assessed when submitted for resource consent.
4. The reasons for this further submission are:

(a) The reasons set out in Kāinga Ora's primary submission on the proposed plan change.

(b) In the case of the Primary Submissions that are opposed:

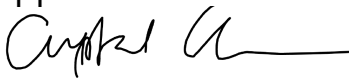
- (i) The Primary Submissions do not promote sustainable management of natural and physical resources and are otherwise inconsistent with the purpose and principles of the Resource Management Act 1991 ("**RMA**");
- (ii) The Primary Submissions do not encourage sufficient development capacity to meet expected demand for housing and for business land and are otherwise inconsistent with the policy and implementation of the National Policy Statement on Urban Development 2020 ("**NPS-UD**");
- (iii) The relief sought in the Primary Submissions is not the most appropriate in term of section 32 of the RMA, Objective 3 and Policy 3 of the NPS-UD;
- (iv) The primary submissions opposed are introducing additional provisions to the plan that are inefficient and ineffective. The Auckland Unitary Plan already includes sufficient provisions that will address transport effects from development occurring within the town centre or the mixed use zones;
- (v) Rejecting the relief sought in the Primary Submissions opposed would more fully serve the statutory purpose than would implementing that relief; and
- (vi) The Primary Submissions are inconsistent with the policy intent of Kāinga Ora's submissions.

(c) In the case of Primary Submissions that are supported:

- (i) The Primary Submissions promote the sustainable management of natural and physical resources and are consistent with the purpose and principles of the RMA and with section 32 of the RMA;
- (ii) The Primary Submissions encourage sufficient development capacity to meet expected demand for housing and for business land and are consistent with the policy and implementation of the NPS-UD and with Objective 3 and Policy 3 of the NPS-UD;
- (iii) The reasons set out in the Primary Submissions to the extent that they are consistent with Kāinga Ora's submission; and

- (iv) Allow the relief sought in the Primary Submissions supported would more fully serve the statutory purpose than would disallowing that relief.
- (d) Such additional reasons (if any) in respect of each of the Primary Submissions supported or opposed as are set out in the **attached** Schedule.
5. The specific relief in respect of each Primary Submission that is supported or opposed is set out in the **attached** Schedule.
6. Kāinga Ora wishes to be heard in support of its further submission.
7. If others make a similar submission, Kāinga Ora will consider presenting a joint case with them at a hearing.

**Dated** this 7<sup>th</sup> day of October 2021

PP  


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**Brendon Liggett**  
**Manager Development Planning**  
**Urban Planning and Design**  
**Kāinga Ora – Homes and Communities**

**ADDRESS FOR SERVICE:**

Kāinga Ora – Homes and Communities

PO Box 74598, Greenlane, Auckland

Email: [developmentplanning@kaingaora.govt.nz](mailto:developmentplanning@kaingaora.govt.nz)

**Plan Change 63 (Private): 911 - 975 New North Road, Mount Albert  
Summary of Decisions Requested**

Sub #	Sub Point	Submitter Name	Theme	Summary	Kāinga Ora Further Submission
9	9.1	Vincent Heeringa	Accept the plan change	Approve the plan change without amendments.	Kāinga Ora supports the request for the reasons as set out in the primary submission.
10	10.1	Tūpuna Maunga o Tāmaki Makaurau Authority Attn: Dominic Wilson	Decline the plan change, unless concerns are resolved	Ensure the HVC [Height Variation Control] for this site does not intrude into the Regionally Significant Volcanic Viewshaft A13 to Ōwairaka.	Kāinga Ora opposes this submission point for the reasons stated in the primary submission.
10	10.2	Tūpuna Maunga o Tāmaki Makaurau Authority Attn: Dominic Wilson	Decline the plan change, unless concerns are resolved	Provide confirmation from a licensed cadastral surveyor of the precise R.L. of the floor of the viewshaft relative to the plan change area to establish the maximum building height to comply with the viewshaft A13 to Ōwairaka.	Kāinga Ora opposes this submission point for the reasons stated in the primary submission.
11	11.1	Lloyd Austin	Accept the plan change with amendments	Retain the existing building height for 911-975 New North Road, Mount Albert [18m].	Kāinga Ora supports the request for the reasons as set out in the primary submission.
13	13.1	Auckland Transport Attn: Kevin Wong-Toi	Decline the plan change, unless concerns are resolved	Provide a further transport assessment to confirm how the high level transport and integration outcomes sought by Auckland Transport will be given effect to. Include mechanisms (e.g. precinct provisions) to give effect to these outcomes. Refer to Attachment 1, pages 5-6 for details.	Kāinga Ora opposes this submission point for the reasons stated in the primary submission and in its further submission .
13	13.2	Auckland Transport Attn: Kevin Wong-Toi	Decline the plan change, unless concerns are resolved	Assess cumulative transport effects of plan change 63 and plan change 64 together. Identify any mitigation required and the delivery mechanism.	Kāinga Ora opposes this submission point for the reasons stated in the primary submission and in its further submission .
13	13.3	Auckland Transport Attn: Kevin Wong-Toi	Decline the plan change, unless concerns are resolved	Provide a further assessment to address the cumulative transport effects on the transport network, including the operation of intersections and key routes in the vicinity. Identify any mitigation required and the delivery mechanism. Refer to Attachment 1, pages 7-9 for details.	Kāinga Ora opposes this submission point for the reasons stated in the primary submission and in its further submission .
13	13.4	Auckland Transport Attn: Kevin Wong-Toi	Decline the plan change, unless concerns are resolved	Provide a further assessment based on appropriate assumptions that reflect travel patterns for the plan change area. Identify any mitigation required and the delivery mechanism. Refer to Attachment 1, page 9 for details.	Kāinga Ora opposes this submission point for the reasons stated in the primary submission and in its further submission .
13	13.5	Auckland Transport Attn: Kevin Wong-Toi	Decline the plan change, unless concerns are resolved	Provide a further assessment of parking effects including effects on the use of public transport and on the transport network. Identify any mitigation required and the delivery mechanism. Refer to Attachment 1, pages 9-10 for details.	Kāinga Ora opposes this submission point for the reasons stated in the primary submission and in its further submission .
13	13.6	Auckland Transport Attn: Kevin Wong-Toi	Decline the plan change, unless concerns are resolved	Retain the existing pedestrian access to the train station [through 915-919 New North Road] and provide a further assessment of effects on this access and servicing facilities, including need for enhanced or additional access to the train station. Identify any mitigation required and the delivery mechanism.	Kāinga Ora opposes this submission point for the reasons stated in the primary submission and in its further submission .

**From:** [UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan further submission - Plan Change 63 - Lloyd Austin  
**Date:** Thursday, 7 October 2021 10:30:16 pm

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The following customer has submitted a Unitary Plan online further submission.

#### **Contact details**

Full name of person making a further submission: Lloyd Austin

Organisation name:

Full name of your agent: Lloyd Austin

Email address: lloydaustin2@gmail.com

Contact phone number:

Postal address:  
2/986A New North Rd  
Mt Albert  
Auckland 1025

#### **Submission details**

**This is a further submission to:**

Plan change number: Plan Change 63

Plan change name: PC 63 (Private): 911 – 975 New North Road, Mount Albert

#### **Original submission details**

Original submitters name and address:  
Lloyd Austin

Submission number: 11

Do you support or oppose the original submission? I or we oppose the submission

Specific parts of the original submission that your submission relates to:

Point number Introduction and conclusion

Point number Introduction and conclusion

The reasons for my or our support or opposition are:

I now believe that points 1 -11 of the original submission which opposed only the height of the proposed development were too easy to over-rule on the grounds of commercial expediency and the issues and arguments raised in points 1-11 would be ignored. For this reason I oppose the TLL proposal in principal.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 7 October 2021

#### **Attend a hearing**

I or we wish to be heard in support of this submission: No

#### **Declaration**

What is your interest in the proposal? I am the person representing a relevant aspect of the public interest

Specify upon which grounds you come within this category:  
Local resident adjacent to proposed development

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

[During lockdown, it's not business as usual.](#)



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**APPENDIX THREE**  
**ALBERT-EDEN LOCAL BOARD FEEDBACK**



## **Albert-Eden Local Board response to Private Plan Change 63 (911-975 New North Road, Mount Albert)**

Albert-Eden Local Board is not permitted to make a formal submission on any Plan Change. However, we request that the following comments from us be taken into account.

### **THE ALBERT-EDEN LOCAL BOARD SUPPORTS PLAN CHANGE 63 (911-975 NEW NORTH ROAD) IN PART, NOTING THAT OUR SUPPORT IS CONDITIONAL ON THE FOLLOWING POINTS.**

**1. Civic Square.** The Board seeks a change to the proposed plan that would explicitly zone a small part of the site for a Civic Square. The square which we propose would require about 620 m<sup>2</sup> at 915 New North Road, occupying about 2.8% of the total 21,955 m<sup>2</sup> site. The most appropriate zone would be "Open Space - Civic Spaces Zone".

The Board has been planning for a Civic Square on this part of the subject land for over a decade, with strong community support. Indeed, the Board has invested over \$1,000,000 in purchasing the long-term ground lease over the 620 m<sup>2</sup> area at 915 New North Road (currently used for car parking) and a commercial building on the same title at 923-925 New North Road (our preference was to purchase the property but the owners would not sell, so a long-term lease was our best alternative arrangement). In addition, we have invested over \$500,000 in part-funding a pedestrian over-bridge connecting the closely neighbouring Mount Albert rail station with New North Road via the future civic square site.

We seek for the area of the Civic Square to be explicitly designated within the Precinct Plan as a public space permanently open to the sky in order to serve two key functions providing:

- a heart for the town centre and space for a range of temporary public activities such as market days and small-scale entertainments
- an attractive link directly connecting the town centre with the adjacent station

We also request a rule restricting activities or uses on the ground floor of buildings directly adjoining the Civic Square to those which are compatible with it. Hospitality purposes (cafes, restaurants, bars) should be allowed as they have high activation values which would add to the ambience and activity in the square; while very low activation purposes such as offices and banking chambers should be discouraged or even banned in this part of the site.

To avoid excessive shading of the square by multi-story development of the 534 m<sup>2</sup> lot to its North at 911 New North Road the Board requests a recession plane at the common boundary. We suggest a recession plane with an angle of 45 degrees, starting at a height of 3 metres above the NE boundary of the square, which would limit shading at noon on the Winter Solstice (when the sun angle dips to just under 30 degrees) to an acceptable level.

Leaving less than 3% of the overall site undeveloped in order to create a public open space would not be an unfair imposition on the applicants who are seeking a very large increase in Gross Floor Area over and above the existing zoning. The land owners will benefit from increased economic activity in the Town Centre which the Civic Square will contribute to.

**2. Precinct Plan.** The Board recommends that a Precinct Plan be established for the whole site covered by this Plan Change to guide long term mixed-use development of this site.

The Board has a few specific planning concerns as listed below:.

**3. Modulated Massing.** The Board is concerned by the sheer scale of the potential development that would be allowed by Plan Change 63, allowing substantial dominance, sunlight and shading effects. The Board recommends that the Plan Change mandates appropriately modulated development on this site, breaking up the long (about 700 metres) street-facing facade of the building(s) into distinct sections of no more than 50 metres long separated by brief setbacks from the road - even a set-back of 2-3 metres will visually break the development up just as effectively as if it was a series of physically separate buildings.

**4. Building Envelope.** The Board draws attention to Mount Albert's role as one of about 150 small and medium-sized Town Centres within urban Auckland as distinct from the dozen major Metropolitan Centres where taller buildings are more appropriate. Accordingly, the Board suggests a 45 degree recession plane rising from the opposite road reserve / private property boundary to avoid undue shading of the street itself, and of properties on the other side. For about three quarters (525 metres) of the subject site New North Road is 20 metres in width (boundary to boundary) but the northern quarter (173 metres) is 22-25 metres wide. In order to comply with a 45 degree recession plane, the upper stories of any buildings taller than the road width would need to step back from the road frontage. Such a building envelope would also minimise the oppressive "canyon" effect that would result from allowing overly tall buildings rising sheer from the front boundary of the subject site.

**5. Volcanic View Shaft.** Whatever building envelope is approved, it should not intrude at all into the volcanic view shaft A13 that passes over the northern end of the site.

**6. Urban Design Panel.** Any actual development should be subject to the Urban Design Panel review process. Because development may be spread over many years, requiring separate Resource Consents, this might require multiple referrals to the UDP.

**7. Vehicle Access.** The Board recommends that interruptions to the adjoining footpath by vehicles entering or leaving the site be minimised by limiting the number of vehicular entrances/exits and by spacing them well apart. All such vehicle exits should also be sufficiently wide at the street frontage that pedestrians will be aware of any approaching vehicle. This could be achieved by requiring a tapered (triangular) landscaped area on either side of the driveway of (say) 2-3 metres width at the footpath; associated vegetation should be limited to 1 metre in height to provide for children and people in wheelchairs, etc.

**APPENDIX FOUR**  
**CLAUSE 23 REQUESTS AND RESPONSES**



Hi Clare,

Thanks for your email dated 30 October and attached letter requesting further information relating to the Tram Lease private plan change application for New North Road.

As discussed with Karl at your meeting on 9 November, we have updated the plan change documentation to address the queries raised. To make this easier for review we have included a clean and track change version of the LVA, urban design assessment and s32 report. Whilst there is no track change version, the Jasmex sets (context and massing and shading diagrams) have been updated to address the feedback from Peter and Maven engineering report has been updated to address Watercare consultation feedback (also provided).

We have not provided a wind assessment as the Mixed Use and TC zones only require a wind assessment where a building greater than 25m in height is proposed, and as the plan change only proposes to increase the permitted height to below this (24m) we do not consider a wind assessment is required.

The updated documentation (including the original application material which has not been amended) is saved in OneDrive as complete lodgement package - [https://1drv.ms/u/s!Aixw1tTf2mdsgi6tWj6i\\_eOU96cW?e=7j5eMX](https://1drv.ms/u/s!Aixw1tTf2mdsgi6tWj6i_eOU96cW?e=7j5eMX)

As always if you have any questions please don't hesitate to ask,

Thanks,

Shan

**Shannon Fallon**

Senior Planner

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The logo consists of the letters 'B' and 'A' in a large, bold, black, sans-serif font, with an ampersand (&) between them. The letters are slightly stylized with rounded corners.

**B&A**

**Urban & Environmental**

M +6422 1215 127





29 October 2020

Shannon Fallon  
Barker and Associates  
PO Box 1986  
Shortland Street  
**AUCKLAND 1140**

**Issued via email: shannonf@barker.co.nz**

Tēnā koe Shannon,

**Request for further information in accordance with Clause 23 of Schedule 1 of the Resource Management Act 1991**

**Private Plan Change Request to increase the height limit on the properties at 911-975 New North Road, Mt Albert**

After completing a preliminary assessment of the documents provided for the above private plan change request, undertaking a site visit, and seeking advice from the Auckland Design Office, Flow Transportation Specialists, and Kensington Planning and Landscape Consultants, it is considered that further information is required to enable us to better understand the nature of the request and the effects on the environment.

Accordingly, under clause 23 of the Resource Management Act 1991, the following further information is requested:

**1. Effects (Clauses 23(1)(a) and (b))**

**a) Effects on infrastructure**

The civil infrastructure report prepared by Maven Auckland Ltd (10 August 2020) bases its assessment on a GFA calculations based on the Jasmax plans to provide the Maximum Probable Development 'MPD' scenario comprising 1,131 x 2-bedroom dwellings, reflecting a conservative and worst-case scenario.

It is noted that Watercare have yet to provide an assessment for the plan change area based on this development assumption. This assessment is now required, and the civil infrastructure report may need to be revised on this basis in order to confirm that there is sufficient network capacity for the development enabled by this plan change.

**b) Effects on design/character and streetscape amenity**

Under Section 7(c) of the RMA, particular regard must be had to the maintenance and enhancement of amenity values, which are defined as the natural and physical qualities and characteristics that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.<sup>1</sup> The Auckland Design Office have reviewed the request and seek the following additional information:

**Context analysis**

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<sup>1</sup> RMA Part 1 Interpretation and application 2 Interpretation amenity values

Having read section 3 (particularly sections 3.1 and 3.2) of the Urban Design Assessment Request report dated 30 Sept 2020, more information is required to understand the intrinsic qualities, characteristics and amenity values of the subject area and its surrounds, particularly of the Mt Albert town centre and its historic buildings and distinctive mature trees. The proposals effects on these qualities, values and characteristics should then be discussed to enable submitters to better understand the nature of change being proposed. Please provide a full assessment of the impacts of the additional shading on the Mt Albert town centre, in particular on the newly completed public realm upgrades, widened footpaths, public seating, planting, café seating areas and ground floor tenancies. This analysis should include a discussion of effects on existing and planned built character.

### **Shading, dominance and wind effects**

Section 9.2.2 of the Urban Design Assessment identifies that *'Shading diagrams that have been produced by Jasmax show some new shading created by the additional height requested by the Plan Change. This is primarily on the eastern side of New North Road. Shadow diagrams of interest are 5pm on 23 September, 3pm on 22 June and 5pm on 22 June....'*

*It is probable that the 'additional' shadow cast by the proposed Plan Change heights is already 'built in' to the AUP-OP through the heights on surrounding Mixed Use zoned land.*

*For this reason, I consider that any shading that may be generated by the increased building bulk beyond that generated by the existing operative heights on the Plan Change site is contemplated by the AUP: OP and would have acceptable effects.'*<sup>2</sup>

However, the shading diagrams produced by Jasmax indicate that additional shading beyond that "built into" the AUP will be created by the plan change request, particularly on the New North Road public realm corridor from 11am in June, possibly earlier, and on residential neighbours to the east beyond the Town Centre and Mixed Use zones.

Please provide closer up and more detailed diagrams of this additional shading on the existing New North Road public realm corridor for June, September and December, in particular of the footpath and cycleways. Shading diagrams should be provided at one-hour intervals.

Please also provide an improved (and wider) version of drawing SK-0070 Rev. which does not currently show all the shading being created by the proposal.

The conclusion in section 1 of the Urban Design Assessment Request report that this shading is "of a level anticipated by the Unitary Plan" needs to be substantiated. More evidence about the satisfactorily management of the shading by the separation distance from the site and the shading effects needs to be provided.

While it is useful to distinguish the shading effects arising from an increase from 18m to 24m on the subject site, it is recommended that the shading diagrams be revised to also

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<sup>2</sup> Pg 15 Urban Design Assessment prepared by B&A

understand this in the context of the shading effects that might arise from the currently permitted height limits in the AUP on the eastern side of New North Road.

Please also provide an assessment of the wind impacts of the additional height on the New North Road public realm.

### c) Landscape and visual effects

While it is acknowledged that future built development, within the extent of the proposed plan change area, will be scrutinised to ensure that it does not intrude into and avoids the Volcanic Viewshaft overlay, further analysis of this issue is requested, in order to inform this proposed plan change process. Other than an acknowledgement of this viewshaft within Section 4.2.1, the Boffa Miskell assessment does not include any analysis or assessment of the proposed plan change from the origin point of this viewshaft or other public viewpoints (such as the North Western Motorway shared path; and from Phyllis Street Reserve) within the extent of the overlay. I request that this analysis and assessment be provided, supported by annotated photographs(s) and possible photomontages, to provide information to assist with a better understanding of the site location and effects on Owairaka/Mt Albert (including as an Outstanding Natural Feature (ID 108) and a Historic Heritage Place with additional Archaeological and Māori values (ID 1576)).

The Boffa Miskell assessment relies on the photographs and annotated photomontages within the Jasmox drawings (for example the photographs referenced in Figures 14-15 and as referenced in the assessment under section 7.2.2 of the Boffa Miskell assessment). While a methodology statement has been provided with this material, I request that the photographs<sup>3</sup> and photomontage images all be presented at an appropriate size on A3 pages in order to meet the NZILA best practice guidelines<sup>4</sup> to allow for assessment.

I request that the 1.0k distance maker, which has been indicated on the Zone of Theoretical Visibility (“ZTV”) drawings within Figures 5-7 of the Boffa Miskell assessment, should be amended from being a circle (with an undefined centre point) to a shape that follows the site extent (i.e. with a uniform distance from the site boundaries). This may require additional distance markers to be included, in addition to the 1.0km notation. I also request that the representative viewpoint locations, as indicated on the Jasmox drawings plus any other new viewpoints, be illustrated on the Boffa Miskell ZTV drawings.

Section 7.2.2 of the Boffa Miskell assessment provides a cursory analysis of the potential visual effects that may arise for people located in the “*immediate vicinity*” of the site. I request the applicant undertake more detailed analysis of the likely landscape and visual effects that may arise (including in relation to effects on outlook) for people that live within the properties in the area bounded by New North Road (in the west), McLean Street (in the south), Allendale Road (in the east) and Mount Albert Road (in the north).

Under Section 10.3.2 and Table 9.3.2.1 (sic) of the Section 32 Assessment Report, some analysis of alternative spatial extents of an increased HVC within the wider Mount Albert Town Centre is provided; however this analysis is not comprehensive. I request that

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<sup>3</sup> Which have been captured by camera with a 24mm lens.

<sup>4</sup> New Zealand Institute of Landscape Architects, Best Practice Guide 10.2, Visual Simulations, 02.11.2010.

further analysis be undertaken within the Section 32 Assessment Report (supported by the expert assessments and illustrations) to better test whether it would be preferable to also increase the HVC for other properties outside the extent of the proposed plan change area, within the Mount Albert, Business - Town Centre zone.

## 2. Clause 23 (1)(b and c): Alternatives and potential mitigation

As discussed above the shading studies provided by Jasmax clearly show additional shading created by the proposal. A plan change which sets up a planning regime which then leads to resource consents which will be declined due to the foreseeable effects is not effective and efficient. Please identify ways in which any adverse impacts of the requested additional height on the amenity values of the Mt Albert town centre, in particular shading, wind and dominance impacts could be mitigated through this plan change (and not at resource consent stage). Mitigation may be able to be achieved through additional or alternative provisions within the plan change request. Methods to maintain and enhance the amenity and character of the town centre, such as the protection of the existing mature trees and retention of the carpark site for public realm purposes, could be explored.

In accordance with clause 23(1)(c) the request should consider any possible alternatives to that being proposed. In paragraph 10.3.1 the request identifies the following three options in relation to the height proposed:

- Option 1 - Status quo (Business - Mixed Use Zone and Business - Town Centre Zone with a 18m Height Variation Control)
- Option 2 - Align the Height Variation Control with the Volcanic Viewshaft Overlay
- Option 3 - Plan Change (Apply a 24m Height Variation Control across the Plan Change area)

In paragraph 10.3.2 the request identifies the following three options in relation to the extent of the plan change area:

- Option 1 - Apply 24m Height Variation Control to all of the land zoned Business -Town Centre
- Option 2 - Apply 24m Height Variation Control to all of the land zoned Business -Town Centre and the Business-Mixed Use on the eastern side of New North Road.
- Option 3 - (Plan Change) Apply 24m Height Variation Control to the Plan Change area.

The purpose of the plan change is set out in section 5.2 of the Section 32 Assessment Report. It states:

*'The purpose of the Plan Change is to enable greater height to make efficient use of highly accessible land within the Mount Albert town centre.'*

It is important that the purpose of the plan change is aligned with AUP RPS direction which seeks to optimise the efficient use of the existing urban area while also enhancing the quality of life for individuals and communities.

While the above alternatives do explore some of the potential ways of achieving the purpose of the plan change, a more nuanced approach which looks at different ways of creating efficiency but also maintaining and enhancing values for individuals and communities should be explored. Such alternatives might include:

1. A more context responsive approach to height rather than a single height for the length of the subject area. This might include higher heights at key corners/ intersections/

nodes within the subject area, and lower heights close to more sensitive existing contexts such as the fine grain 20<sup>th</sup> century town centre buildings or areas where public realm improvements have been carried out and retention of solar gain is important.

2. Extending the Town Centre Zone down to Woodward Road within the subject area to enable a critical mass of activities within the town centre and ensure ground level activation that will create a safe and vibrant pedestrian environment along New North Road.

Consequently, in my opinion, the examination of alternatives does not meet clause 23(1) (c) of the Act in that it does not provide sufficient 'reasonably practicable options' for achieving the objective of the plan change.

If you have any queries, please do not hesitate to contact me.

Nāku iti noa, nā

A handwritten signature in black ink, appearing to read 'Clare Wall Shaw', written in a cursive style.

Clare Wall Shaw  
**Principal Planner**  
**Plans and Places**



12 January 2021

Shannon Fallon  
Barker and Associates  
PO Box 1986  
Shortland Street  
**AUCKLAND 1140**

**Issued via email: shannonf@barker.co.nz**

Tēnā koe Shannon,

**Request for additional information in accordance with Clause 23 of Schedule 1 of the Resource Management Act 1991**

**Private Plan Change Request to increase the height limit on the properties at 911-975 New North Road, Mt Albert**

Auckland Council has now completed a review of the further information provided with the assistance of its various experts, and requests the following additional information pursuant to clause 23 of the First Schedule to the Resource Management Act 1991 (RMA).

Accordingly, under clause 23 of the Resource Management Act 1991, the following additional information is requested:

**1. Effects (Clauses 23(1)(a) and (b))**

**a) Effects on design/character and streetscape amenity**

Under Section 7(c) of the RMA, particular regard must be had to the maintenance and enhancement of amenity values, which are defined as the natural and physical qualities and characteristics that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.<sup>1</sup> The Auckland Design Unit have reviewed the request and seek the following additional information:

At 9.1.3 of the Urban Design Assessment, it states: "*Street trees coexist in urban environments throughout the city, and the existing mature and newly planted street trees, which are afforded protection by the Plan, will continue to contribute to the amenity values of the public realm as the town centre is gradually redeveloped.*"

Please clarify the form of protection afforded to existing and newly planted street trees (as referred to above) under the Auckland Unitary Plan, along with specific identification of which trees in and adjacent to the plan change area meet the provisions in E17 Trees in Streets in the Auckland Unitary Plan, i.e. which trees are located in the street and are over 4m in height, or greater than 400mm in girth.

If you have any queries, please do not hesitate to contact me.

Nāku iti noa, nā

---

<sup>1</sup> RMA Part 1 Interpretation and application 2 Interpretation amenity values

A handwritten signature in black ink, appearing to read 'Clare Wall Shaw'. The signature is fluid and cursive, with the first name 'Clare' being the most prominent.

Clare Wall Shaw  
**Senior Policy Planner**  
**Plans and Places**



## Clare Wall Shaw

---

**From:** Shannon Fallon <shannonf@barker.co.nz>  
**Sent:** Wednesday, 13 January 2021 2:30 pm  
**To:** Clare Wall Shaw  
**Cc:** Karl Cook; Fiona Sprott  
**Subject:** RE: New North Road Private Plan Change Request - Request for additional information  
**Attachments:** Middle.pdf; Northern end.pdf; Southern end.pdf

Hi Clare,

Thanks for your time just now.

As discussed, street trees are owned by Council and as such any works to, within the dripline, or removal of street trees requires asset owner approval from Council and in addition Chapter E17 of the AUP includes a number of provisions relating to tree works affording these trees further protection under the RMA.

Whilst some works may be undertaken as a permitted activity these works must be undertaken in accordance with the permitted activity standards which are designed to ensure the health of trees is not impacted by any tree works. Specific rules of reference are:

- E17.4.1(A5) tree trimming or alteration – permitted (subject to compliance with relevant standards)
- E17.4.1(A6) tree trimming or alteration not complying with E17.6.3 – restricted discretionary activity
- E17.4.1(A7) works within the protected rootzone – permitted (subject to compliance with relevant standards)
- E17.4.1(A8) Works within the protected root zone that do not comply with Standard E17.6.3 – restricted discretionary activity
- E17.4.1(A9) Tree removal of any tree less than 4m in height and less than 400mm in girth – permitted
- E17.4.1(A10) Tree removal of any tree greater than 4m in height or greater than 400mm in girth – restricted discretionary activity
- E17.4.1(A12) Tree trimming or alteration not otherwise provided for – discretionary activity

Therefore any future development of the Plan Change area will need to consider the existing street trees and comply with the permitted activity standards or consent will be required affording Council the opportunity to assess any potential loss of amenity associated with their loss/alteration, and as above asset owner approval is required for any trees works, irrespective of whether they are permitted by the AUP. This would also be the case for any redevelopment of the plan change area now under the current provisions.

To assist with the assessment we have marked up some plans showing the existing street trees which are over 4m in height/400mm in girth to assist, noting that any trees under this height/girth will get larger over time and will likely exceed these thresholds when the plan change area is eventually redeveloped. The blue trees are on private property and are not scheduled and therefore not protected. The trees in yellow appear to be <4m in height and <400mm in girth, the trees in green are protected (>4m in height). Note that this is based on a desktop review (Google streetview and site photos) and have not been surveyed, nor is a survey considered necessary at this stage given no development is proposed.

Trust this helps, look forward to receiving the formal acceptance letter.

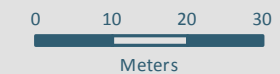
Thanks,  
Shan

**Shannon Fallon**  
Senior Planner





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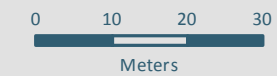
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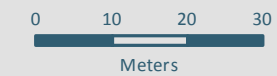
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**APPENDIX FIVE**  
**SPECIALIST ASSESSMENTS**







**PPC63 - 911-975 New North  
Road, Mount Albert**

Transportation Hearing  
Report

March 2022



**flow**

TRANSPORTATION SPECIALISTS

161

**Project:** PPC63 - 911-975 New North Road, Mount Albert  
**Title:** Transportation Hearing Report  
**Document Reference:** P:\ACXX\413 PPC63 911- 975 New North Road\Reporting\R1B220314 - PPC63 Hearing report.docx  
**Prepared by:** Mat Collins/Harry Shepherd  
**Reviewed by:** Bronwyn Coomer-Smit

**Revisions:**

Date	Status	Reference	Approved by	Initials
17 November 2021	Draft report for Council review	R1A211116	B Coomer-Smit	
14 March 2022	Updated with Council comments	R1B220314	M Collins	

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## SUMMARY OF OUR PEER REVIEW

Auckland Council (Council) has requested Flow Transportation Specialists (Flow) undertake a peer review of the transportation matters associated with Private Plan Change 63 (PPC63), which seeks to increase the permitted height limit that applies to 911- 975 New North Road (site) from 18m to 24m.

I have reviewed the application documents and submissions on PPC63 as they relate to transport matters. During my review of PPC63, I considered the following matters

- ◆ What level of assessment of traffic effects is required?
- ◆ Can the transport effects of a development enabled by PPC63 be managed through future consent processes?

In conclusion

- ◆ I consider that traffic modelling is not required to support PPC63. Development enabled by the operative zoning for the sites will likely worsen congestion on the adjacent transport network, and further development enabled by PPC63 may add further to this congestion. However, additional traffic congestion is not necessarily a critical flaw for PPC63. The long term intent for the New North Road corridor is to focus on enabling walking, cycling and public transport, and this focus will be supported by, and in turn support PPC63. Further, the relevant objectives and policies of the Unitary Plan point to PPC63 enabling the “right” type of intensification in the “right” location. Refer to my discussion in Section 3.1
- ◆ Based on “Scenario 2” identified in the ITA, I consider that on site parking restrictions and protection/formalisation of the existing through site pedestrian link at 915 New North Road to the Mt Albert Train Station should be provided as means to reduce private vehicle use and encourage public transport, walking and cycling. Refer to my discussion in Section 3.2

Should my recommendations be adopted, I consider that, from a transportation perspective, PPC63 can be approved.

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3.2	Can the transport effects of a development enabled by PCC63 be managed through future consent processes? .....	2
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## APPENDICES

- APPENDIX A SUBMISSION REVIEW
- APPENDIX B CLAUSE 23 REVIEW

## 1 INTRODUCTION

Auckland Council (Council) has requested Flow Transportation Specialists (Flow) to review the transportation matters associated with the proposed Private Plan Change (PPC63) for 911- 975 New North Road (Site), which has been lodged by Tram Lease Ltd (applicant).

PPC63 seeks to increase the permitted height limit that applies to the Site from 18 m to 24 m (22 m occupiable and additional 2 m for roof form).

The scope of this specialist transport report is to assist Council in determining the transport outcomes of the Proposal and includes the following

- ◆ A summary of proposed PPC63 focusing on transport matters
- ◆ A review of the relevant transportation material provided to support the application
- ◆ Summary of public submissions relating to transport matters only
- ◆ My recommendations.

Our review includes the following documents

- ◆ Section 32 Assessment of Environmental Effects Report, prepared by Barker & Associates Ltd, dated February 2021, including
  - Appendix 7 Integrated Transport Assessment by TPC (ITA), dated September 2020
  - Appendix 9 and 9.1 Consultation received and sent
- ◆ Submissions as outlined in Appendix A.

Parallel to PPC63, a plan change has also been lodged for 953 New North Road (PPC64). My review is cognisant of PPC64, however I do not comment on transport matters relevant to PPC64 in this report.

## 2 A SUMMARY OF PPC63

A summary of the site location, planning zones and proposed height controls as given in the Auckland Unitary Plan (Unitary Plan) are provided in Table 1 and shown in Figure 1.

**Table 1: Site summary**

Site Location	911 – 975 New North Road, Mount Albert
Planning Zone	Business – Town Centre: 911-953 New North Road Business – Mixed Use: 955-975 New North Road
Activity Proposed	Amend the Height Variation Control at 911-953 New North Road from 18m to 24m Apply Height Variation Control to 955-975 New North Road of 24m.

**Figure 1: Plan change site location and zoning**



The Site is bounded by New North Road, Carrington Road, and Woodward Road. All three roads are identified as arterial roads in the Unitary Plan.

The Site is located adjacent to the Mt Albert railway station.

### 3 PEER REVIEW OF TRANSPORT MATTERS

During my review of PPC63, I considered the following matters

- ◆ What level of assessment of traffic effects is required?
- ◆ Can the transport effects of the development enabled by PPC63 be managed through future consent processes?

I discuss these topics in the following sections of my report.

#### 3.1 What level of assessment of traffic effects is required?

Plan changes that seek land use rezoning or seek to enable more intensive development of operative zoning typically are accompanied by an ITA that includes traffic modelling to quantify the potential traffic effects on the transport network. However, in the case of PPC63, the ITA does not include traffic modelling.

Based on two development scenarios, the ITA forecasts the following peak hour trips

- ◆ Between 112 to 383 vehicle movements per hour (68% mode share)
- ◆ Between 33 to 112 public transport trips per hour (20% mode share)
- ◆ Between 14 to 47 walking trips per hour (9% mode share)
- ◆ Between 5 to 18 cycling trips per hour (3% mode share).

As part of my review, I considered whether traffic modelling was needed to form a view on the appropriateness of PPC63 from a transport perspective. My consideration included

- ◆ What direction can I take from the relevant objectives and policies of the Unitary Plan?
- ◆ How does the existing roading network perform during peak periods?
- ◆ How is the roading network expected to perform in the future?
- ◆ What does this mean in terms of assessment of traffic effects?

##### 3.1.1 What direction can I take from the relevant objectives and policies of the Unitary Plan?

I have considered PPC63 in the context of relevant objectives and policies within the Regional Policy Statements (RPS) in the AUP, summarised in Table 2. I consider that PPC63 aligns well with these objectives and policies in that it,

- ◆ enables more intensive land use in a location that is extremely well served by public transport and has good walking and cycling accessibility
- ◆ enables more intensive land use on a corridor identified for improvements to public transport, walking and cycling
- ◆ makes better use of existing public transport, walking and cycling infrastructure, and supports future investment in public transport, walking and cycling infrastructure
- ◆ enables lower dependency on private vehicles

- ◆ is consistent with a compact urban form.

With PPC63 being consistent with these objectives and policies, my attention now turns to the degree to which PPC63 should assess the potential traffic effects of vehicle trip generation, which I discuss in the following subsections.

**Table 2: RPS objectives and policies relevant to the transport aspects of PPC63**

Relevant policy / guidance
<p>B2.2.1(1) a quality compact urban form that enables</p> <ul style="list-style-type: none"> <li>◆ better use of existing infrastructure and efficient provision of new infrastructure;</li> <li>◆ improved and more effective public transport;</li> <li>◆ reduced adverse environmental effect</li> </ul>
<p>B2.2.2(5) enable higher residential intensification</p> <ul style="list-style-type: none"> <li>◆ in and around centres;</li> <li>◆ along identified corridors; and</li> <li>◆ close to public transport, social facilities (including open space) and employment opportunities</li> </ul>
<p>B2.3.1(1) A quality built environment where subdivision, use and development do all of the following... a quality built environment is to maximise resource and infrastructure efficiency</p>
<p>B2.3.2(2) Encourage subdivision, use and development to be designed to promote the health, safety and well-being of people and communities by all of the following... enabling walking, cycling and public transport and minimising vehicle movement</p>
<p>B2.4.1(3) Land within and adjacent to centres and corridors or in close proximity to public transport and social facilities (including open space) or employment opportunities is the primary focus for residential intensification</p>
<p>B2.4.2(2) Enable higher residential intensities in areas closest to centres, the public transport network, large social facilities, education facilities, tertiary education facilities, healthcare facilities and existing or proposed open space</p>
<p>B2.5.2(3) Enable the expansion of metropolitan and town centres having regard to whether it will do all of the following ... support a safe and efficient transport system which is integrated with the centre.</p>
<p>B3.3.1 (1) Effective, efficient and safe transport that</p> <ul style="list-style-type: none"> <li>◆ supports the movement of people, goods and services;</li> <li>◆ integrates with and supports a quality compact urban form;</li> <li>◆ facilitates transport choices, recognises different trip characteristics and enables accessibility and mobility for all sectors of the community</li> </ul>

### 3.1.2 How does the existing network perform during peak periods?

Sections 2.3 and 4.1 of the ITA detail reasonably high peak hour traffic flows on the roads surrounding PPC63, which is to be expected given the central urban location.

Visual representation of typical peak hour congestion, sourced from Google data, is shown in Figure 2 below, which indicates



- ♦ moderate to heavy congestion on New North Road, particularly through the Mt Albert town centre
- ♦ moderate congestion on Mt Albert Road (westbound), Allendale Road and Willcott Street
- ♦ moderate congestion on the approach and departure from key arterial road intersections, including New North Road/Mt Albert Road/Carrington Road and New North Road/Richardson Road/Woodward Road.

Clearly, the road network around PPC63 is congested during peak periods, which in my opinion, is comparable to many key central urban arterial routes in Auckland.



Figure 2: Google congestion data (PPC63 shown in yellow)





### 3.1.3 How is the transport network expected to perform in the future?

Auckland Transport is currently planning the upgrade of the New North Road/Symonds Street corridor under the Connected Communities programme<sup>1</sup>.

Auckland Transport has identified the following objectives for the New North Road corridor

- ◆ addressing safety
- ◆ providing better bus efficiency
- ◆ providing improved cycle facilities
- ◆ supporting town centres to become more thriving places.

Auckland Transport anticipates that there will be an additional 80,000 people living along the corridor by 2041 and that, without improvements, it is expected to take 89 minutes to get from Avondale to the Auckland City Centre by bus in 2028.

Based on the information provided by Auckland Transport, growth in travel demand along the New North Road corridor is anticipated and will need to primarily be fulfilled by public transport, walking and cycling.

### 3.1.4 What does this mean in terms of assessment of traffic effects?

In summary,

- ◆ PPC63 is consistent with the relevant objectives and policies of the Unitary Plan in relation to enabling growth in an area that has a high degree of accessibility
- ◆ The existing road network adjacent to PPC63 is congested during peak hours
- ◆ The New North Road corridor is expected to experience a significant increase in travel demand over the next 10 years. Auckland Transport is planning to improve public transport, walking and cycling along the corridor to cater for this demand, along with supporting thriving centres.

In my view, traffic modelling will not provide useful information beyond what is already known. The transport network adjacent to PPC63 is congested. Development enabled by the Unitary Plan's operative zoning for the sites will likely worsen this congestion, and further development enabled by PPC63 may add further to this congestion.

However, in my view, additional traffic congestion is not necessarily a critical flaw for PPC63. The long term intent for the New North Road corridor is to focus on enabling walking, cycling and public transport, and this focus will be supported by, and in turn support PPC63. Further, and again in my view, the relevant objectives and policies of the Unitary Plan point to PPC63 enabling the "right" type of intensification in the "right" location.

---

<sup>1</sup> <https://connectedcommunities.at.govt.nz/newnorthroad/new-north-road-project/>

***Outcome: I consider that traffic modelling is not required to support PPC63. Development enabled by the operative zoning for the sites will likely worsen congestion on the adjacent transport network, and further development enabled by PPC63 may add further to this congestion. However, additional traffic congestion is not necessarily a critical flaw for PPC63. The long term intent for the New North Road corridor is to focus on enabling walking, cycling and public transport, and this focus will be supported by, and in turn support PPC63. Further, the relevant objectives and policies of the Unitary Plan point to PPC63 enabling the “right” type of intensification in the “right” location.***

### **3.2 Can the transport effects of a development enabled by PCC63 be managed through future consent processes?**

As the adjacent transport network will be congested during peak hours, active and public transport modes will need to fulfil a large proportion of the travel demand generated by PPC63. Linked to my discussion on the absence of traffic modelling accompanying PPC63, my attention turns to whether the regionwide provisions of the Unitary Plan are adequate to manage the potential transport effects of a development enabled by PPC63, acknowledging the importance of active and public transport modes for PPC63.

When development is considered on a site by site basis, which I anticipate is the likely process by which sites within PPC63 will progress, the rules of Chapter E27 do not always provide scope to consider and address the enablement of active transport and public transport modes. This is particularly pertinent for PPC63 given that the Town Centre Zoned sites within PPC63 are exempt from Standard E27.6.1, which is the main mechanism used by the Unitary Plan to achieve improved active and public transport outcomes beyond the boundary of the subject site.

Therefore, it is important that these matters be considered and, if required, addressed as a whole (i.e. as part of PPC63) rather than as individual sites (i.e. during future individual consent applications). While not exhaustive, I consider that the following measures would encourage greater uptake of active and transport

- ◆ Reduced on site parking, for example, by specifying parking maximums for each site within the plan change area or for the plan change as a whole to control peak hour vehicle trips
- ◆ Protection/formalisation of the existing through site pedestrian link at 915 New North Road to the Mt Albert Train Station, to support the uptake of public transport
- ◆ Development staging of the implementation of PPC63 until Auckland Transport implements improved active and public transport options, which are planned as part of its Connected Communities project, to support the uptake of active and public transport.

However, I am mindful of the scale of development enabled by PPC63, which the ITA estimates will generate between 112 to 383 vehicle movements per peak hour. The ITA notes that this is likely to be a conservative estimate (i.e. over predicting the number of vehicle movements), and I agree with this opinion. Further, I note that it will be many years before such level of development of the sites comes to fruition. I therefore consider that staging controls to align development with PPC63 with Auckland Transport’s Connected Communities project are not required.

At the lower end of this estimate, I consider that site specific provisions would not be required as 100 or so vehicles per hour spread across the whole plan change area will not be overly noticeable (based on existing traffic flows on New North Road, as well as the potential traffic anticipated by the operative zoning).

At the higher end of the estimate, I consider that on site parking restrictions and protection/formalisation of the existing through site pedestrian link at 915 New North Road to the Mt Albert Train Station should be provided as means to reduce private vehicle use and encourage public transport, walking and cycling.

***Outcome: Based on “Scenario 2” identified in the ITA, I consider that on site parking restrictions and protection/formalisation of the existing through site pedestrian link at 915 New North Road to the Mt Albert Train Station should be provided as means to reduce private vehicle use and encourage public transport, walking and cycling.***

## 4 SUBMISSION REVIEW

Four submissions related to transport matters were received

- ◆ Submitter 1: Ronald Tapply
- ◆ Submitter 2: David Ryan
- ◆ Submitter 13: Auckland Transport, Kevin Wong-Toi
- ◆ Submitter 17: Lauren Mentjox.

The submissions generally relate to parking, traffic effects, and enabling active and public transport mode, which I have addressed in Section 3 of this report as well as in Appendix A which includes details of the submissions and my comments on each matter raised.



## 5 SUMMARY AND CONCLUSION

I have reviewed the application documents and submissions on the PPC63 as they relate to transport matters.

In conclusion

- ◆ I consider that traffic modelling is not required to support PPC63. Development enabled by the operative zoning for the sites will likely worsen congestion on the adjacent transport network, and further development enabled by PPC63 may add further to this congestion. However, additional traffic congestion is not necessarily a critical flaw for PPC63. The long term intent for the New North Road corridor is to focus on enabling walking, cycling and public transport, and this focus will be supported by, and in turn support PPC63. Further, the relevant objectives and policies of the Unitary Plan point to PPC63 enabling the “right” type of intensification in the “right” location. Refer to my discussion in Section 3.1
- ◆ Based on “Scenario 2” identified in the ITA, I consider that on site parking restrictions and protection/formalisation of the existing through site pedestrian link at 915 New North Road to the Mt Albert Train Station should be provided as means to reduce private vehicle use and encourage public transport, walking and cycling. Refer to my discussion in Section 3.2

Should my recommendations be adopted, I consider that, from a transportation perspective, PPC63 can be approved.

---

## APPENDIX A

## Submission review

---

Our review of submissions related to transport matters is provided below.

**Table 3: Submission summary and commentary**

Submitter	Summary of submission point	Flow comment
Submitter 1: Ronald Tapply	Concerned about no parking provisions.	From my review of the submission, I assume that the submitter is concerned about the potential lack of car parking. On 10 February 2022 Council updated the Unitary Plan to remove all car parking minimum standards, to give effect to Policy 11 of the National Policy Statement – Urban Development 2020. No minimum car parking requirements apply to either the Town Centre Zone or Mixed Use Zone. Council is currently considering several consequential amendments to the Unitary Plan, to ensure that the plan continues to function as intended following the removal of car parking minimums (Plan Change 71). This includes consideration of the effects of parking <sup>2</sup> . Further, refer to my discussion in Section 3.2 where I recommend limiting parking provision.
Submitter 2: David Ryan	Require off street parking.	
Submitter 13.1: Auckland Transport, Kevin Wong-Toi	Provide a further transport assessment to confirm how the high level transport and integration outcomes sought by Auckland Transport will be given effect to. Include mechanisms (e.g. precinct provisions) to give effect to these outcomes. Refer to Attachment 1, pages 5-6 for details.	Refer to my responses to other Auckland Transport submission points.
Submitter 13.2: Auckland Transport, Kevin Wong-Toi	Assess cumulative transport effects of plan change 63 and plan change 64 together. Identify any mitigation required and the delivery mechanism.	This is a planning/process matter rather than a transport matter. I recommend that Council's Planner consider this submission point
Submitter 13.3: Auckland Transport, Kevin Wong-Toi	Provide a further assessment to address the cumulative transport effects on the transport network, including the operation of intersections and key routes in the vicinity. Identify any mitigation required and the delivery mechanism. Refer to Attachment 1, pages 7-9 for details.	Refer to my discussion in Section 3.1. I consider that assessment of the operation of nearby intersections and key routes is not required.
Submitter 13.4: Auckland Transport, Kevin Wong-Toi	Provide a further assessment based on appropriate assumptions that reflect travel patterns for the plan change area. Mode share assumptions based on Smales Farm may not be applicable to the Mount Albert town centre area. Identify any mitigation required and the delivery mechanism. Refer to Attachment 1, page 9 for details.	
Submitter 13.5: Auckland Transport, Kevin Wong-Toi	Provide a further assessment of parking effects, including effects on the use of public transport and on the transport network. Identify any mitigation required and the delivery mechanism. Refer to Attachment 1, pages 9-10 for details.	Support in part. I consider that applying parking maximums to the sites may be appropriate. Refer to my discussion in Section 3.2 Oppose in part. I consider that an assessment of parking spill over effects is not required, as parking provision and effects can be managed through future resource consent applications.
Submitter 13.6: Auckland Transport, Kevin Wong-Toi	Retain the existing pedestrian access to the train station [through 915-919 New North Road] and provide a further assessment of effects on this access and servicing facilities, including the need for enhanced or additional access to the train station. Identify any mitigation required and the delivery mechanism.	Support in part. I consider that formalising the existing pedestrian access to the train station is appropriate. Refer to my discussion in Section 3.2 Oppose in part. I consider that servicing can be assessed as part of future land use consent applications.
Submitter 17: Lauren Mentjox	Concerned at traffic congestion, emissions, lack of measures to increase walking, cycling and public transport use. Concerned that the plan change documents have only considered effects on arterial roads, and north wider area or local residential side streets. Decline the plan change	Support in part: I consider that measures to enable and encourage active and public transport usage may be required. Refer to my discussion in Section 3.2 Oppose in part: I consider that adequate consideration to traffic effects has been given and that further assessment is unlikely to provide any meaningful information. Refer to my discussion in Section 3.1

<sup>2</sup> Proposed Plan Change 71 (PPC 17) and Plan Modification 14 (PM 14): NPS-UD Removal of Car Parking Minimums – Consequential Technical Amendments. Section 32 Evaluation Report, para 30.



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## APPENDIX B

## Clause 23 review

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**PROJECT** 911- 953 NEW NORTH ROAD PROPOSED PRIVATE PLAN CHANGE  
**SUBJECT** PEER REVIEW AND CLAUSE 23 INFORMATION REQUESTS  
**TO** CLARE WALL SHAW (AUCKLAND COUNCIL)  
**FROM** MAT COLLINS  
**REVIEWED BY** BRONWYN COOMER-SMIT  
**DATE** 22 OCTOBER 2020

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## 1 SUMMARY OF OUR CLAUSE 23 REVIEW

Auckland Council (Council) has requested Flow Transportation Specialists (Flow) to review the transportation matters associated with the proposed Private Plan Change (PPC) for 911- 953 New North Road (Site), which has been lodged by Tram Lease Ltd (applicant).

The PPC seeks to increase the permitted height limit that applies to the Site from 18 m to 24 m (22 m occupiable and additional 2 m for roof form). This proposed height limit will enable a greater level of development on this land, allowing for an additional one to storey storeys.

Our review includes the following documents

- ◆ Section 32 Assessment of Environmental Effects Report, prepared by Barker & Associates Ltd, dated September 2020, including
  - Appendix 7 Integrated Transport Assessment by TPC (ITA)
  - Appendix 9 Consultation.

Having reviewed the relevant documents provided, we consider that no additional information is required under Clause 23 to understand the transport effects of the PPC, and the management and/or mitigation required of those transport effects.

We note that we have not engaged with Auckland Transport (AT) or with Waka Kotahi New Zealand Transport Agency as part of our review.

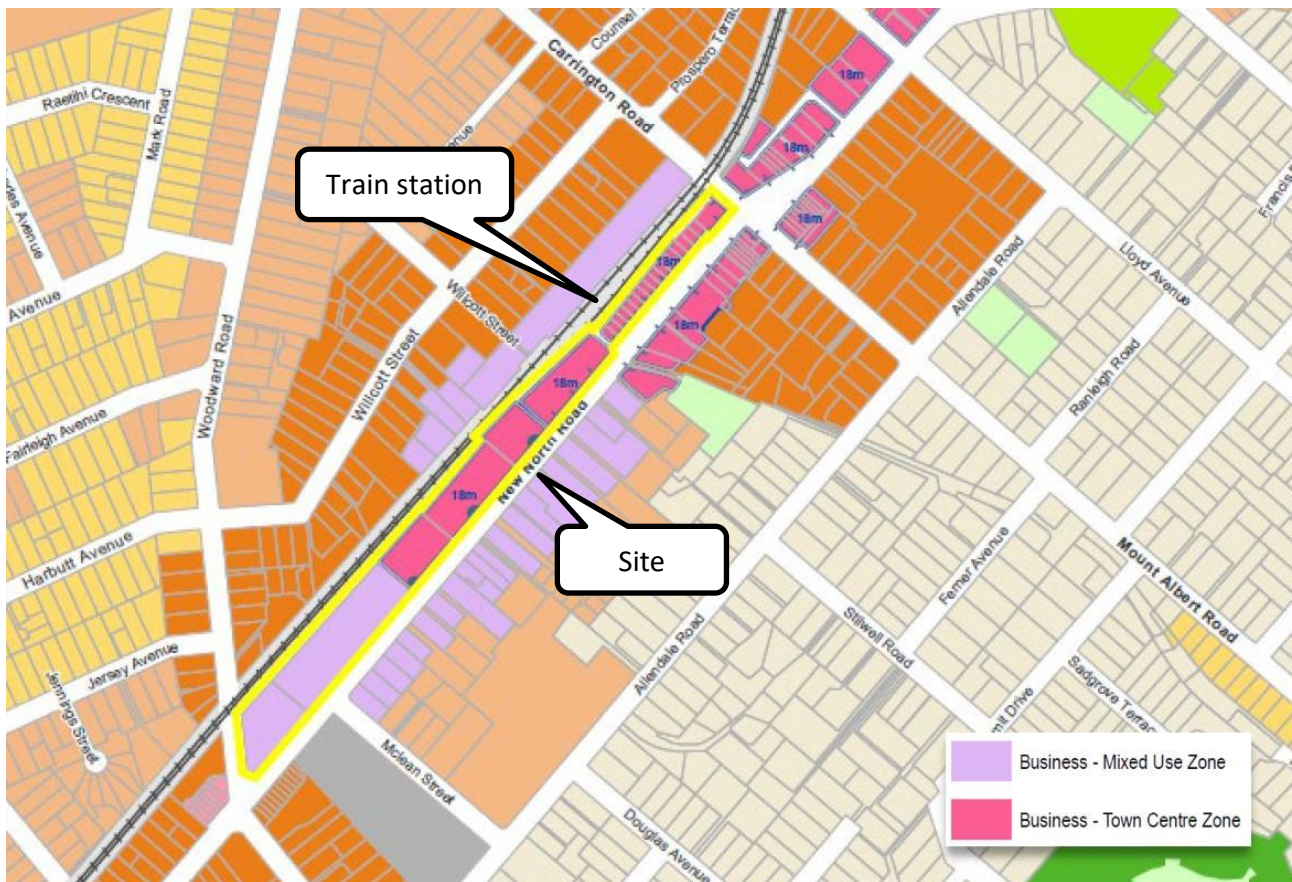
We recommend that Council's market economics specialist confirms whether the two development scenarios (contained in Appendix 1 of the ITA) reasonably represents feasible developments that could be enabled by the PPC, as it influences our consideration of potential transport effects for the PPC.

## 2 SITE SUMMARY

The Site is zoned Business – Town Centre and Business – Mixed Used zones, and has frontage to New North Road, Carrington Road and Woodward Road as shown in Figure 1. All these roads are classified in the Auckland Unitary Plan as arterial roads.

We consider that the location of the Site has good accessibility by walking, cycling and private transport, and has excellent accessibility by public transport accessibility, being located adjacent to the train station. Further the Site is well located to a variety of supporting land uses, thereby encouraging pedestrian trips.

**Figure 1: Site and land use zoning**



From a transport perspective, we consider that any future land use development on the Site will require a restricted discretionary resource consent, because all frontage roads to the Site are arterial roads. As such any vehicle access will need to be assessed against the relevant objectives, policies and standards of Chapter E27, Transport of the Auckland Unitary Plan including assessment criterion E27.8.2 (11) which will require an assessment of the transport effects of the “location and design of the access on the safe and efficient operation of the adjacent transport network”. This is likely to require a detailed traffic assessment of the development proposition, including traffic modelling of nearby intersections.

Notwithstanding this, the ITA has assessed the traffic effects of the proposed PPC by assessing the traffic effects of 2 potential land use development scenarios for the Site, which could be enabled by the PPC (refer Appendix 1 of the ITA for further detail).

We have undertaken our assessment on the assumption that these 2 development scenarios are 'reasonable' and that it is unlikely that a more intensive development could be enabled by the proposed PPC. We recommend that Council's market economics specialist confirm this assumption, as it influences our consideration of potential transport effects of the proposed PPC.

### 3 INFORMATION REQUESTS

Having reviewed the relevant documents provided, we consider that no additional information is required to understand the transport effects of the proposed PPC.

Reference: \\Flow-dc01\Projects\ACXX\000-022 Mt Albert PC\Reporting\T1A201022 911- 953 New North Road Clause 23.docx - Mat Collins



# memo

**Date:** 26 April 2022

**To:** **Clare Wall Shaw**

Principal Planner – Central South Planning Unit, Plans and Places, Auckland Council

**From:** **Peter Kensington**

Consultant Specialist Landscape Architect (KPLC Limited) for Central South Planning Unit, Plans and Places, Auckland Council (**the Council**)

**Re:** **Proposed Plan Change 63 (Private): 911-975 New North Road, Mount Albert (PPC63)**

Request by Tram Lease Limited (**the Requester**) to change the Auckland Unitary Plan (Operative in part) (**AUP(OP)**) to increase and extend the Height Variation Control (**HVC**) for the properties at 911-975 New North Road, Mount Albert<sup>1</sup>; being approximately 23-hectares of Mount Albert Town Centre land located between New North Road and the 'North Auckland Railway Line' / Mount Albert Railway Station (**the site / PPC63 area**).

## **SPECIALIST REVIEW FOR SECTION 42A REPORT – LANDSCAPE AND VISUAL EFFECTS**

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Tēnā koe Clare

1. To assist with your recommendation report for PPC63, this memo sets out my specialist review advice of the Requester's assessment of landscape and visual effects (see paragraph 2) and my response to relevant submissions that have been received. This advice is provided further to my preliminary review advice which was set out in my memo to you dated 28 October 2020.
2. I confirm that I have read all of the documents which support the proposed request, including in particular the assessment which is within my area of expertise, being: '*New North Road Private Plan Change, Landscape and Visual Effects Assessment*', prepared by Boffa Miskell Limited, Revision 2, dated 25 November 2020 (**Boffa Miskell Assessment**), with Appendix 2 supporting graphic supplement, being Figures 1-8 (under cover sheet dated November 2020).

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<sup>1</sup> An increased HVC from 18m to 24m for 911-953 New North Road (being land zoned Business – Town Centre); and to apply a new HVC of 24m for 955-975 New North Road (being land zoned Business – Mixed Use).

3. I have read each of submissions (x18) and further submissions (x4) that have been received.
4. In addition to having a general familiarity with the Mount Albert Town Centre and Ōwairaka landscape, I have visited the site and surrounding area, specifically to assist with my review of this request, in October 2020 and, more recently, in March 2022.
5. I have also taken into account the expert urban design assessment and review advice that has been provided by the Requester and the Council (by Ms Ogden-Cork). I acknowledge that there is some overlap between the consideration of landscape and urban design related issues that arise when considering a proposal such as this, being to enable increased building height, bulk and mass. I have limited this overlap to my consideration of potential impacts on the character and values of the site and localised context; and you should rely on the urban design assessment and review advice regarding other related impacts on amenity values (e.g. shading and wind).
6. Please note – my review advice is limited to the consideration of PPC63 and, while I understand these matters will be heard together, I have not turned my mind to a review of PPC64.
7. I have set out my relevant qualifications and experience in **Attachment 1**.

### Site description and landscape context

8. In order to avoid undue repetition, I confirm that I concur with the description of the site and the site’s landscape context, which is set out in Section 3.0 of the Boffa Miskell Assessment and I adopt that description for the purpose of my review advice.

### Statutory context

9. I also agree with the summary of the relevant statutory context which is set out in Section 4.0 of the Boffa Miskell Assessment, including, in particular, details of the A13 Regionally Significant Volcanic Viewshaft overlay which traverses much of the site extent. This viewshaft seeks to protect a view from the North-western motorway (SH16) near Te Atatū towards Ōwairaka.
10. Figure 4 in the Boffa Miskell Assessment Appendix 2 graphic supplement (refer **Plate 1**) provides a visual depiction of the maximum building heights on site as a result of this viewshaft overlay.

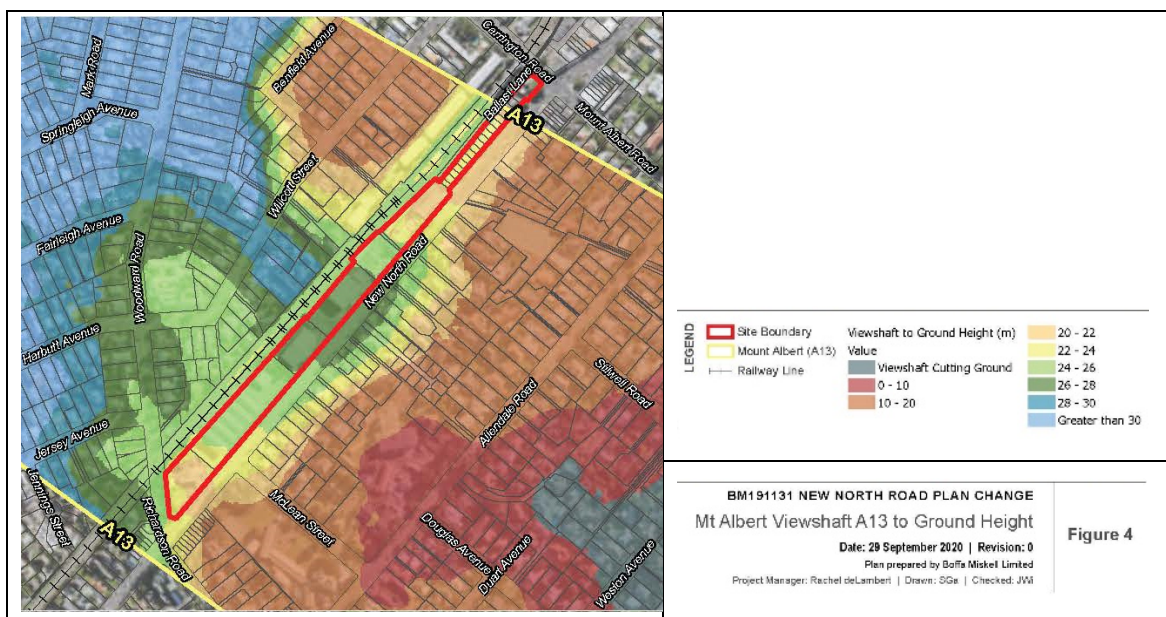


Plate 1 – extracts from Boffa Miskell Assessment Appendix 2 – Figure 4

11. As confirmed in the Boffa Miskell Assessment, the heights of this viewshaft as it crosses the site vary and range between 20-28m above the ground level<sup>2</sup>. My understanding is that the viewshaft height limits would set maximum buildings heights in the PPC63 area, even if the HVC metric was higher. My understanding of this interpretation relies on the overlay setting the most restrictive building heights; with the associated AUP(OP) objectives and policies seeking to avoid buildings above these limits. In other words, the Regionally Significant Volcanic Viewshaft overlay sets the maximum building height for the majority of the PPC63 area.

**Understanding of request and adequacy of information**

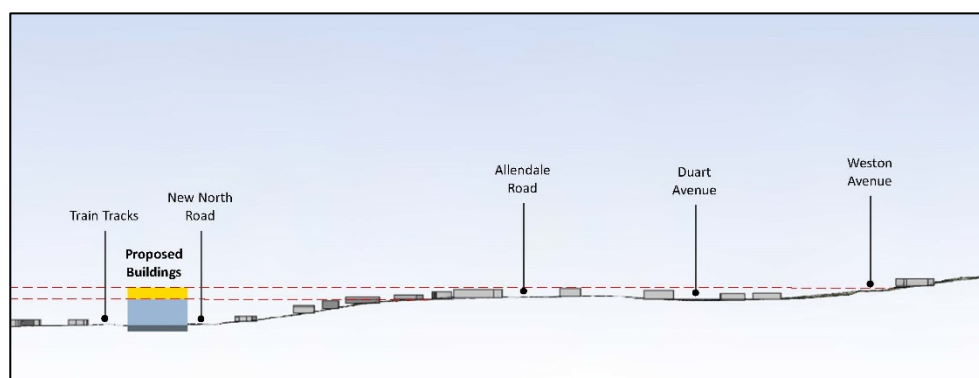
12. The Boffa Miskell Assessment sets out a clear description of the proposal, which essentially seeks to enable up to two additional levels of building development on the site (within the constraints of the viewshaft overlay discussed above). I have summarised this understanding in **Table 1**:

**Table 1** – Summary of existing and proposed building heights

	Ground level space	Upper levels (3.0m each)	Roof form	Total
Existing building height	4.0m (1-level)	12.0m (4-levels)	2.0m	18.0m <b>(5-levels)</b>
Proposed building height	4.0m (1-level)	18.0m (6-levels)	2.0m	24.0m <b>(7-levels)</b>

Noting the Requester’s urban design assessment suggests that the ground level space for future development might be up to 4.5m with the upper levels at 3.2m or 4.0m (i.e. a lesser number of levels overall).

13. As set out in the Boffa Miskell Assessment (under Section 5.0), it my understanding that it is only the AUP(OP) HVC that is proposed to be changed and the underlying zoning of the site will remain unchanged (acknowledging that PPC64 does seek a change in zoning for part of the site).
14. I agree with the determination of the visual catchment and viewing audience that has been set out within Section 6.0 of the Boffa Miskell Assessment, acknowledging that some of these people are located within private properties. As has the Boffa Miskell Assessment, I have not visited any private properties to inform my review advice; relying on viewing the site from publicly accessible places. I agree with the Boffa Miskell Assessment (at Figure 8 within Appendix 2), that people within the following private properties are likely to experience the greatest impact on their existing outlook: properties on Duart Avenue and Allendale Road within the block east of New North Road, south of Mount Albert Road and north of Richardson Road.



**Plate 2** – extract from Boffa Miskell Assessment Appendix 2 – Figure 8

<sup>2</sup> I understand that the Requestor is preparing topographical survey information to confirm these figures.

15. As a result of the visibility analysis undertaken to support the Boffa Miskell Assessment<sup>3</sup>, I agree that the additional height sought through PPC63 results in very limited additional visibility compared to development which could be constructed to 18m in height in the PPC63 area.

#### **Analysis of landscape and visual effects issues (merits)**

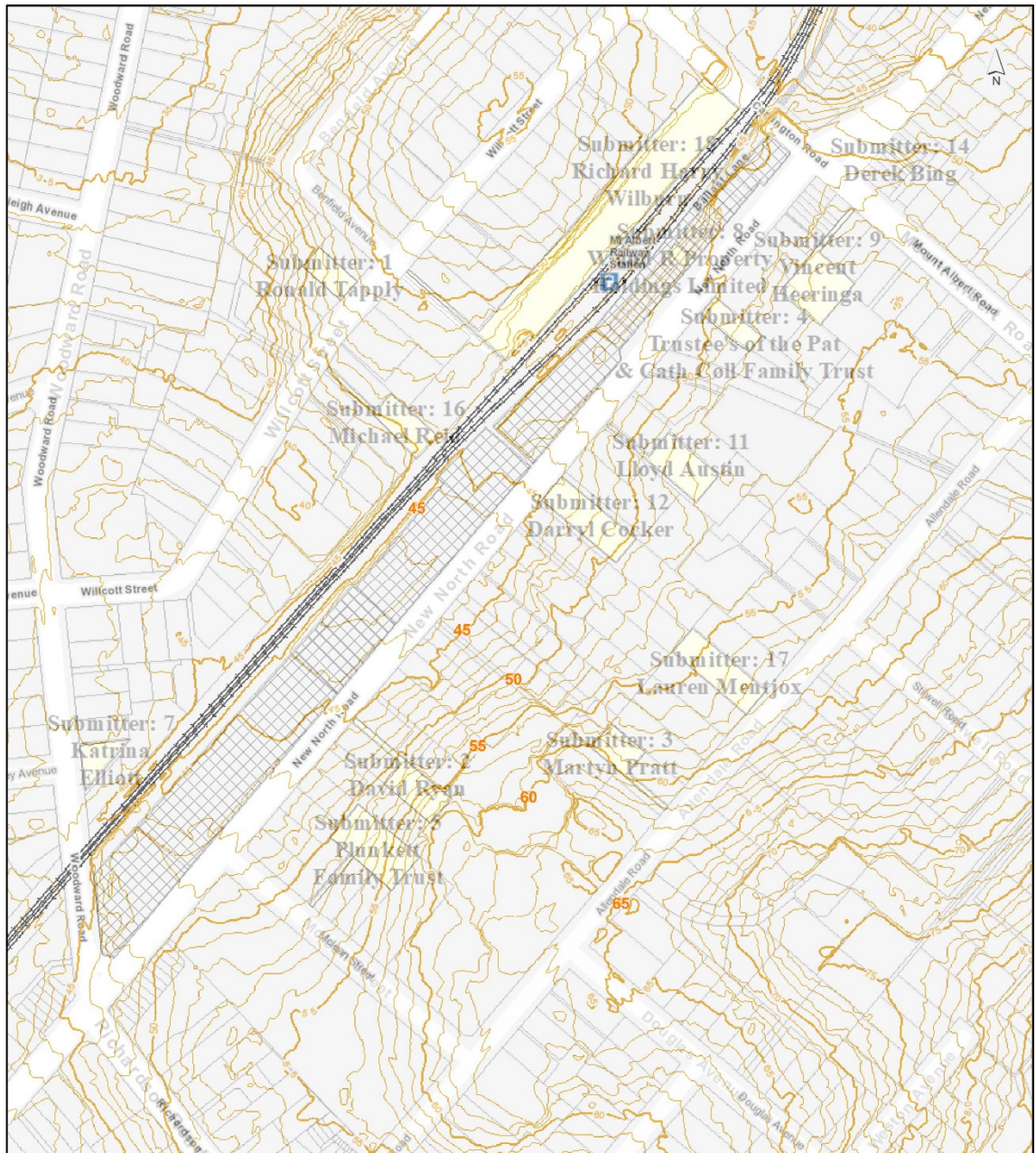
16. I agree with the Boffa Miskell Assessment findings which confirm that buildings constructed to the additional height that will be enabled through this request, will “*sit comfortably*” within the urban landscape context of the Mount Albert Town Centre.
17. Rather than resulting in adverse effects on this urban landscape context, I agree that future development that is enabled by the increased building height will assist with reinforcing the presence of the Town Centre at this key public transport node. I also agree that, given the required compliance with the volcanic viewshaft overlay heights, the potential adverse effects on the profile and open space values of Ōwairaka will be effectively managed.
18. I agree with the assessment findings that the consideration of visual effects will be the subject of further examination through future resource consenting processes. As I understand it, any future proposed redevelopment in the PPC63 area, for new buildings of scale (including those which comply with the Building Height and HVC standards), will be subject to specific review under the AUP(OP), as at least restricted discretionary activities – with possible review by the Auckland Urban Design Panel. For example, through the Council’s discretion over building setbacks, height in relation to boundary standards and assessment criteria (including relevant objectives and policies) that require the consideration of building design (in a generic sense).
19. Similar to the reasoning above, I also agree that development enabled by the proposed increased building height in the PPC63 area will visually reinforce the function that the area plays within the wider Mount Albert Town Centre, particularly given the proximity of the rail station.
20. Turning to the consideration of private views from people within proximate properties to the south-east of the PPC63 area (primarily those that are located in dwellings that enjoy an outlook at a similar RL elevation to the current maximum building height on the site, including from within the Oceania Healthcare Everil Orr Village – refer **Plate 3**); I agree with the findings of the Boffa Miskell Assessment that the separation distance between these viewpoints and future buildings on the site, will assist with the mitigation of adverse visual effects.



**Plate 3** – Cropped image of photo on billboard at Everil Orr Village (63 Allendale Road)

<sup>3</sup> Boffa Miskell Assessment, Page 15.

21. For example, the properties of two submitters (refer paragraph 32 below), have ground levels that range between RL50 and RL60 (refer **Plate 4**). From my calculations, development that might currently be enabled within the PPC63 area could currently reach a height of RL63 (ground level RL45 plus buildings up to 18m); whereas, buildings that could be enabled under PPC63 might reach a height of RL69 (ground level RL45 plus buildings up to 24m).



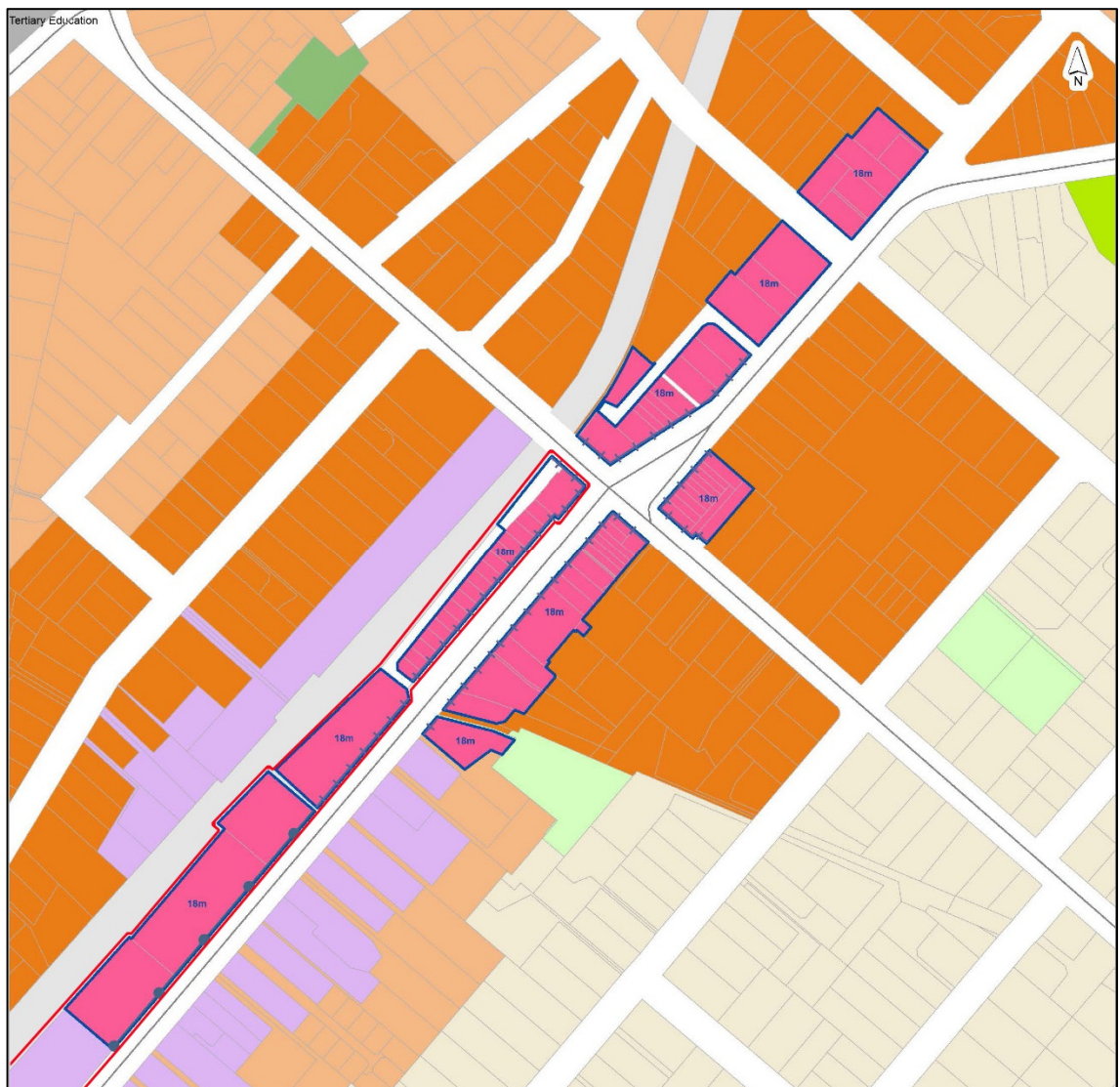
**Plate 4** – Ground contours (source Auckland Council GIS) relative to the site and submitter locations

22. I acknowledge that there will inevitably be a greater degree of built form and mass within these views as a result of the proposed increase to the HVC, when compared to that of the current HVC (including some loss of outlook towards the wider landscape of the upper Waitematā, for example). However, within the context of an urban town centre landscape, this change in outlook towards built form, at the viewing distances examined, does not represent an adverse visual effect, in my opinion, that is of a magnitude that would lead to an inappropriate outcome.

23. I therefore agree with the conclusions of the Boffa Miskell Assessment that the proposed request to enable an additional one to two storeys of building development on the site, within the context of the Mount Albert Town Centre urban landscape, is appropriate; and will assist to positively reinforce the location of this public transport node and business town centre, within the context of the wider urban landscape of Mount Albert / Ōwairaka.

**Should the HVC be changed in other locations?**

24. When undertaking my review, I have turned my mind to whether it would be more appropriate to also increase the HVC for the remainder of the Mount Albert Town Centre spatial extent – for properties on the north-eastern side of Carrington Road / Mount Albert Road and the south-eastern side of New North Road (refer AUP(OP) extract at **Plate 5**, illustrating this extent).



**Plate 5** – Extent of HVC in wider Mount Albert Town Centre (PPC63 area shown in red)

25. However, without further analysis of the potential landscape and visual effects that may arise from such a proposal; I have been unable to make any findings to assist with a consideration of such a change. In any event, the Requestor has chosen to limit the extent of proposed changes to the HVC to land which is in their ownership. As I understand it, the Council is undertaking wider analysis, to assess the possibility of increasing density within the wider Mount Albert Town Centre, as required by the National Policy Statement on Urban Development 2020.

## Summary of review findings

26. Based on my review of the Boffa Miskell Assessment and the request as a whole, I acknowledge that the AUP(OP) already anticipates a reasonably significant change in built form in the PPC63 area than currently exists. I also acknowledge that much of the land surrounding the area is zoned for *Residential – Terrace Housing and Apartment Buildings* and *Business – Mixed Use*, with the expectation that the existing built form in these areas would also intensify over time.
27. The Boffa Miskell Assessment has identified residents of properties within the block east of New North Road, south of Mount Albert Road and north of Richardson Road (generally properties on Duart Avenue and Allendale Road) as some of the most sensitive viewing audiences. I agree that these viewers, together with a range of other public and private viewing audiences in the immediate vicinity of the site, will be able to see buildings of increased height as a result of the proposed change to the HVC. However, in my opinion, while this will represent a change, given the distance between viewers and the site, I agree with the Boffa Miskell Assessment that the additional built development which would be enabled, remains appropriate in this location.
28. In my opinion, the current rules, standards, objectives, policies and assessment criteria within the AUP(OP) will continue to enable redevelopment of the properties in the PPC63 area, while managing adverse effects (including visual dominance) on the town centre and neighbourhood's landscape character and values. In particular, the AUP(OP) contains relevant provisions that will provide guidance to the Council when assessing the landscape and visual effects of future buildings in the PPC63 area, including for example through modulating building bulk at height.
29. Most importantly for the avoidance of adverse landscape effects in relation to protecting the regionally significant view towards Ōwairaka from Te Atatū, while the proposed change to the HVC will be above the 'ceiling' of this viewshaft in places, through future resource consenting processes which will examine proposed future buildings on the site, the Council has the ability to ensure that the volcanic viewshaft height limit is not breached. As I understand it, this same situation applies in other business zoned land, including at Royal Oak and Newmarket.

## Review of relevant issues raised by submissions

30. I have set out below a summary of the relevant issues raised by submitters; noting that I have not listed submissions that solely raise traffic and shading issues, or that do not specify issues. In assisting with an understanding of submitter locations and their proximity to the PPC63 area, I have viewed the *Submitter Map for PPC 63* which you have prepared.

### Submissions in support

Submitter 9 – Vincent Heeringa

1 Mount Albert Road, Mount Albert

- support for intensification in this location (for a variety of reasons).

*[supported by further submission from Kāinga Ora]*

*[opposed by further submission from Auckland Transport]*

Submitter 15 - Kāinga Ora – Homes and Communities (Brendon Liggett)

- support for intensification within the town centre area in close proximity to the train station; and

- suggests that the Council increase all of the HVC for the wider Mt Albert Town Centre.

*[opposed by further submission from Auckland Transport]*

### **Submissions in opposition**

Submitter 1 – Ronald Tapply

23 Willcott Street, Mount Albert

- proposed infringement of the volcanic viewshaft; and
- out of scale with the landscape / landform – reduction in landscape / visual amenity value.

Submitter 3 – Martyn Pratt

49a Allendale Road, Mount Albert

- increased height will block views of volcanic cones from streets north of New North Road; and
- increased height will restrict views from Allendale Road to the west including sea views.

Submitter 4 – Trustees of the Pat and Cath Coll Family Trust (Cathy Coll)

[address unknown]

- the character of the area will change significantly: 5/6 storey buildings will complement the traditional historic two to three storey buildings that currently exist in the neighbourhood much more suitably; however, 8 storeys will impact the character of the area significantly.

Submitter 5 – Plunkett Family Trust (Robert and Valerie Plunkett)

4 and 4a Mclean Street, Mount Albert

- clear view from front deck to the west from the Waitakeres through the upper harbour towards Te Atatū, over to Point Chevalier, the harbour to the hills of Greenhithe and the North shore, and onto the elevated Birkenhead region and Hobsonville.

Submitter 6 – Leon Lu

[address unknown]

- 18 m is high enough for this area. 24 will block the mountain or sea view of a lot of the houses on the two sides of New North Road. Buildings above the current height limit will look weird, like the ugly yellow residential building next to the New Lynn transport centre.

Submitter 10 – Tūpuna Maunga o Tāmaki Makaurau Authority (Dominic Wilson)

- opposed to HVC being above that of regionally significant volcanic viewshaft A13 (reducing the value of the viewshaft and compromise the value of Ōwairaka as a locally, regionally and nationally significant landform); and requests that a licensed cadastral surveyor confirm the precise RL of the floor of the viewshaft relative to the site.

*[opposed by further submission from Kāinga Ora]*

Submitter 11 – Lloyd Austin

2/986A New North Road, Mount Albert

- variety of concerns, including that regionally significant volcanic viewshaft A13 will be impacted.

*[also lodged a further submission on this submission] BUT LIKELY TO BE AN ERROR*

*[supported by further submission from Kāinga Ora] BUT LIKELY TO BE AN ERROR (SEE ABOVE)*



Submitter 14 – Derek Bing (219 Point Chevalier Road, Point Chevalier)  
Owner of 896 New North Road, Mount Albert (Vinnies Barbershop)

N/A (shading) but does mention significant loss of physical and visual amenity.

Submitter 16 – Michael Reid  
30 Willcott Street, Mount Albert (since 2007)

N/A (shading) but does mention loss of view towards Ōwairaka.

Submitter 18 – Richard Wilburn (3 Churton Street, Parnell)  
Owner of 12/22a Wilcott Street, Mount Albert  
- Loss of view towards Ōwairaka and suggestion to protect historic heritage character.

31. From my review of the above submissions, there are no new issues being raised that have not been considered within the Boffa Miskell Assessment and my review. I acknowledge that there are submissions in support of the proposal for increased intensification in this location. I also acknowledge that some submissions in opposition are based on an understanding that the proposed change will provide for building heights above the volcanic viewshaft overlay; which is not the case. Additionally, some submissions are made on the understanding that buildings up to eight levels would be enabled through the proposed change to the HVC; when this is also not the case (with seven levels being the maximum that might be enabled, noting that the volcanic viewshaft will likely limit this to six levels in places).
32. The submissions from Martyn Pratt (49a Allendale Road) and the Plunkett Family Trust (4 and 4a Mclean Street) raise site specific issues, in terms of the potential for the additional interruption of existing outlook from development that would be enabled over and above that which exists at present. I have considered these issues and, without further evidence to prove that an adverse visual effect will arise, I conclude that the proposed change will be acceptable.

### **Conclusion**

33. It is my opinion that, from an overall landscape and visual effects perspective, the plan change request PPC63 is appropriate for the reasons outlined above. If approved, in my opinion, future buildings constructed within the area of proposed change to the HVC will be acceptable and result in a similar degree of landscape and visual effects to those that are enabled at present.

Please let me know if you require any further advice or if you have any questions of clarification.

Ngā mihi

### **Peter Kensington**

Consultant Specialist Landscape Architect

Registered NZILA and MNZPI

Email: peter@kplc.co.nz

Phone: 027 227 8700

## Attachment 1 – Relevant qualifications and experience (Peter Kensington)

1. I have worked as a landscape architect and a planner for twenty-five years. I am currently a director of Kensington Planning and Landscape Consultants Limited (**KPLC**) which was formed in September 2017. As a KPLC consultant, I provide professional landscape architectural and planning services and advice for applicants, regulatory authorities and submitters.
2. My relevant qualifications include a Bachelor of Landscape Architecture (Honours), 1995, from Lincoln University (Canterbury) and a Bachelor of Regional Planning (Honours), 1993, from Massey University (Palmerston North). I am a Registered member of the Tuia Pito Ora / New Zealand Institute of Landscape Architects (**NZILA**) and a Full member of the New Zealand Planning Institute. I have been an elected member of the national executive committee of the NZILA (during the 2011-2013 term and as a proxy member between 2016-2017), holding the office-bearing role of Treasurer. I have been a member of NZILA awards judging panels, including for the 2022 awards. I am a subscribing member of the Resource Management Law Association of New Zealand and the Urban Design Forum of New Zealand. I am a current NZILA representative on the Auckland Urban Design Panel. I am a current MfE 'Making Good Decisions' certificate holder and independent hearings commissioner for Auckland Council and Hamilton City Council.
3. I have worked for the Christchurch City Council (1995-1997), the Wellington City Council (1999), the Auckland office of Boffa Miskell Limited (1999-2012) and, prior to establishing KPLC, the Auckland Council (**Council**) (2012-2017). At the Council I was a Principal Planner in the Hearings and Resolutions team of the Resource Consents Department. In that role, I was responsible for the case management of appeals, direct referrals, judicial reviews, objections, hearings and independent duty and hearings commissioner processes – in relation to applications for resource consent associated with the geographic area generally defined by the then Auckland Council District Plan (Isthmus Section) and the Auckland Council District Plan (Hauraki Gulf Islands Section). In addition to my core role, I also prepared expert landscape architecture evidence in relation to various matters. I also assisted the Resource Consents Department's Practice and Training team with interpretation and integration of the Auckland Unitary Plan (Operative in part) into the department's practices and procedures.
4. My landscape architectural work is focussed within the landscape planning speciality of landscape architecture, where an assessment of effects on natural character, landscape and/or visual amenity values is required primarily in relation to applications for resource consent or plan changes. Throughout my professional career, I have provided expert landscape architectural advice in relation to many matters where an assessment of the effects of proposed developments on the landscape character and visual amenity values of urban, rural or coastal environments is required. The majority of my recent KPLC consulting over the past four-years has been undertaken on behalf of the Council's Resource Consents and Plans and Places departments, primarily through the Urban Design Unit – Design Review Team.
5. Relevant to this proposed plan change request, through KPLC, I have provided advice in relation to:
  - i. Construction of comprehensive full block, principally residential, development, Wynyard Precinct;
  - ii. Proposed 10-level, co-living / build-to-rent residential apartment building, Carlton Gore Road, Newmarket;
  - iii. Proposed retail and apartment buildings development at Dominion / Valley Road corner, Mt Eden;
  - iv. Proposed mixed use (commercial / entertainment / residential) development, Mission Bay; and
  - v. Construction and unit title subdivision of six-level apartment building, Manukau Road, Epsom.

  
**PETER KENSINGTON**  
Planner • Landscape Architect  
MNZPI • Registered NZILA  
027 227 8700  
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**KPLC**  
PLANNING • LANDSCAPE • CONSULTANTS

# Memo

22 April 2022



To: **Clare Wall Shaw**  
Principal Planner – Central South Planning Unit, Plans and Places, Auckland Council

Cc:

From: **Tracy Ogden-Cork**  
Urban Design Consultant, Motu Design Ltd, for Central South Planning Unit, Plans and Places, Auckland Council (**the Council**)

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Subject: **Proposed Plan Change 63 (Private): 911-975 New North Road, Mount Albert (PPC63)** Urban Design Specialist Review for Section 42A Report.

Tēnā koe Clare

1. This memo sets out my specialist urban design review of the requested Private Plan Change for **911-975 New North Road, Mount Albert (PPC63)**, the supporting analysis and drawings, and the urban design assessment undertaken by Barkers. It also details my response to relevant submissions that have been received.
2. In summary, I can only support the plan change in part, and cannot not support the full extent of the change in Height Variation Control from 18m – 24 for all of the PPC63 area,
3. I consider that due to the length and orientation of the block that encompasses 911 – 945 New North Road, an increase in height to up to 24m from 18m, will have significant shading effects and adversely affect the quality of the streetscape and vibrancy of the Mt Albert town centre by not enabling enough sunlight at key times of the day and year, when it is most required to support the quality of public realm.
4. This relates specifically to the properties 911 – 945 New North Road and the effects on the town centre zoned area opposite, in relation to the footpaths, newly upgraded seating areas, viability of retail, hospitality and commercial services, overall quality of streetscape and public realm. Whilst additional height may be acceptable in this location, (subject to compliance with the Regional Volcanic View Shaft) I consider it more appropriate for that to be determined via a Resource Consent process for an infringement of the 18m height limit to ensure the on balance the effects on the town centre are managed more effectively than what will be possible with a just a permitted height of 24m. Even with the reduction to 20.5m to meet the provisions of the Volcanic View Shaft that extends across this area.
5. South of Ballast Lane, I support the proposed change to the Height Variation Control because the area is very well located to provide for a high standard of urban intensification through the provision of mixed use apartment developments, in accordance with the objectives of the RPS, and focus of recent changes to the National Policy Statement of Urban Development. Whilst there will be some adverse shading and visual dominance effects to residential and business zoned sites on the

opposite sides of New North Road and the Rail Corridor, I consider these to be minimal in relation to the extent of effects and change that could already occur with the existing 18m height provision. The 24m height can also fit underneath the majority of the volcanic view shaft and thus complement the topography and character of Auckland's urban form as the city intensifies. The existing provision of the AUP Mixed Use and Town Centre zones are also sufficient to ensure design quality appropriate to the location.

6. In relation to the continuity of built form, and the impact of the long block length, the study undertaken by Jasmax illustrates how breaks between buildings can be anticipated due to the likelihood of residential apartments being located above street level and the depth of the development blocks. The opposite side of New North Road is also zone Mixed Use, but with small portions of the area (including at the corner of Richardson Road) having a residential zone. This will trigger some upper floor setbacks. The Mixed Use zone, and this portion of New North Road is also less sensitive than the Town Centre in regard to its purpose within the planning provisions of the AUP, being more of a 'travelling through' portion of Mt Albert that supports the town centre with a mix of commercial and residential activity, and less of a central gathering area and focus of community activity and interaction.
7. The urban design assessment undertaken to reach these conclusions is structured as follows:

#### INTRODUCTION

#### CONTEXT

Site description and context

Statutory context

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## INTRODUCTION

8. I confirm that in addition to reviewing the PPC requests and supporting Assessment of Effects undertaken by Barkers, I have read the following documents which support the proposed request, focusing on the matters within my area of expertise, being:
  - Appendix 4 – New North Road Development, Supporting Documents for a Plan Change to the Unitary Plan’ prepared by Jasmax, dated 26 November 2020. (Jasmax Analysis)
  - Appendix 4.1 Shadow Study, prepared by Jasmax
  - 
  - Appendix 5 – ‘Private Plan Change Request, New North Road Mt Albert, Urban Design Assessment’, prepared by Barkers, dated 30 November 2020 (Barkers Urban Design Assessment),
  - 
  - Appendix 5.1 – ‘New North Road Plan Change, Urban Design Assessment Appendix, dated May 2020 (Urban Design Analysis)
  - 
  - Appendix 6 – Landscape and Visual Effects Assessment, prepared by Boffa Miskell, dated 25 November 2020. (Boffa Miskell Assessment)
  - 
  - Appendix 6.2 – LVEA - Supporting Graphics, prepared by Boffa Miskell, dated November 2020. (Boffa Miskell Analysis)
  -
9. I have read each of the submissions (x18) and further submissions (x4) that have been received.
10. In addition to having a general familiarity with the Mount Albert Town Centre and surrounding area, that includes being a regular traveller along New North Road, and the western rail line, I have visited the site and surrounding area, specifically to assist with my review of this request. I have undertaken additional site visits in February and March 2022 in response to submissions made.
11. I have also taken into account the preliminary expert urban design review of the draft plan change, undertaken by Ms Nicole Miller from Auckland Council and the s42A assessments of landscape and visual effects undertaken by Mr Peter Kensington and the Transportation effects by Mat Collins from Flow.
12. I acknowledge that there is some overlap between the consideration of landscape and urban design issues related to the proposed increase in building height, bulk and mass. I have limited this overlap to my consideration of potential impacts on the character and amenity of the site and localised context; and you should rely on the advice of Mr Kensington in relation to visual dominance, and landscape character effects.
13. Please note – my review advice is limited to the consideration of PPC63 and I have not turned my mind to a review of PPC64 that relates to part of the same site
14. I have set out my relevant qualifications and experience in Attachment 1.

## CONTEXT

### Site description and context

15. In order to avoid undue repetition, I confirm that I concur with the description of the site and the site's context, which is set out in Section 3.0 of Barkers Urban Design Assessment and I adopt that description for the purpose of my review advice.

### Statutory context

16. I agree in general with the summary of the relevant strategic planning context which is set out in Section 4.0 of Barkers Urban Design Assessment. However, I also note the adoption of the most recent RMA amendments on enabling housing, (that weren't public at the time the assessment report was undertaken, but are now set in law). These include further changes to the National Policy Statement of Urban Development (NPS-UD) and the introduction of Medium Density Residential Standards (MDRS) that must be applied from August 2022. These may effect some of the residential zones in the Mt Albert area to a greater extent than was anticipated by the original NPS-UD.

## URBAN DESIGN ASSESSMENT

### Understanding of request and adequacy of information

17. I consider that overall there is sufficient information to understand and assess the effects of the proposed plan change.
18. However, as noted below, some further detail on the extent of sunlight and shading on the town centre portion of New North Road would have been helpful.

### Regional distribution of density and intensity of development

19. I consider that the proposed plan change is consistent with the direction set in the Regional Policy Statement of the Auckland Unitary Plan, that includes a focus on the provision of a compact urban form.
20. The NPS-UD, that Auckland Council will be implementing in 2022 includes a directive for sites within walking distance of rapid transit (that includes the Mt Albert train station), to be zoned to enable at least 6 stories. This is likely to impact on the Terraced Housing and Apartment Building (THAB), on the western side of the rail line, and to the east along New North Road, resulting in buildings of up to 6 stories, when/if re-developed for apartments. Noting that 3-Storey terraced houses and apartments are also likely in the current market and as a result of the implementation of the Medium Density Residential Standards.
21. In the context of the above national directions, I consider that the proposed plan change is generally appropriate (subject to the modification recommended in this report) in that it enables a greater amount of development, in an area where change is already anticipated. This extra development is

line with the NPS\_UD being intended to enable at least 6 storeys, and thus will not be out of sync with likely changes to building height in the surrounding area.

22. In my opinion, it is likely that the Volcanic Viewshafts will be a qualifying matter under the NPS-UD, and thus will continue to have a significant impact in the shaping of the city's urban form. They are important as these views to and from Owairaka / Mt Albert, and other Maunga, form an important part of Auckland's urban character and amenity, our community identities, and mana whenua relationships. The variations (and reductions) in height that the volcanic view shafts create also help to ensure a built form that will vary in height in response to our valued landscape, and overtime continue to shape a unique and varied built form.
23. I consider that the proposed additional height is complementary to the Volcanic view shaft provisions, and is not 'too high' in regard to the integrity of relationship of urban form and landscape that is embedded in the AUP. Due to Volcanic View protection parts of the plan change area will be limited in height to between 20.5 and 24m. As discussed below there are a series of positives to this variation in height and it is the town centre area (proximate to the view shaft) that in my opinion is most sensitive to the additional height proposed.
24. Peter Kensington has assessed the visual and landscape character effects of the additional height in more detail, and in particular the effect of the additional height on the wider landscape and views to and from Owairaka / Mt Albert.
25. I also consider that for the majority of the PPC area, this additional height is positive because it will enable 1-2 more floors of residential (or commercial office) as part of comprehensive mixed use developments. This can be achieved with minimal adverse effects to the surrounding area, and will take pressure off parts of the city, and neighbourhood where retaining the existing lower density of development may get better urban design outcomes, whilst still maximising living opportunities in the area.
26. An example of this is the Special Character areas to the east and on the slopes of Owairaka; and the residential zoned areas to the west that are a mix of MHS, MHU and THAB zones. Some of the areas to the west of the railway line may have the zoning potential to enable 4 storey apartments, but they also have smaller land parcels and are not as well suited as the plan change areas to the creation of multi-storey apartments.

### Analysis of urban design effects issues (merits)

27. I generally agree with the Barkers Urban Design Assessment, with the exception of their assessment of effects on pedestrian amenity and shading effects to the town centre zone area along the south-eastern part of New North Road and the impact that will have on the vibrancy of the Mt Albert Town centre.
28. In particular, I consider the following points to be of relevance to the assessment of the Plan Change and this analysis has informed my recommendations.

### ***Built form and character***

29. The Mt Albert Town Centre and New North Road corridor, is an appropriate place to focus urban intensification, and apartment living in addition to commercial and retail space. This is due to the proximity of the rail station, the frequent bus route provided along New North Road, and the range of parks, community facilities and schools etc, that are all in walking and cycling distance.
30. The volcanic view shaft is particularly important, and the majority of the proposed additional height area is located underneath this, with a small portion of the site being unable to be developed to the full height of 24m and being limited to 20.5 metres in height. This limitation is considered a positive, because in addition to protecting views to and from Owairaka, it will ensure a varied height to the linear strip of development, and enable more sunlight to the footpaths on the south-eastern side of New North Road where shops are currently located.
31. The Town Centre and Mixed Use Zone provisions all have a mix of assessment criteria, objectives and policies that will assist in ensuring quality design outcomes that support a high standard of pedestrian amenity, and streetscape, in addition to residential apartment amenity.
32. Developments of the scale and type provided for under the zoning, and as result of the additional height, will require a Restricted Discretionary Consent for any new building, even if the height is permitted. A development of the height enabled will typically be subject to a detailed design review and assessment process that takes the local context and character into consideration. These processes, in additional to the provisions of the zones, will assist in ensuring a quality streetscape and safe pedestrian environment.
33. Whilst there are a number of older buildings in the town centre which contribute to the existing character, none of these buildings are protected by way of scheduling or special character overlays. As such, as the town centre is redeveloped it is expected that a number of these buildings will be removed and the character of the town centre will evolve in line with the provisions of the AUP (OP).
34. However, in my opinion the town centre zoned portion of buildings, on the eastern side of New North Road, (910 – 962 New North Road) do make a significant contribution the character of the area, and as such, have the potential to be re-considered in any future re-evaluation of scheduling or special character overlays and/or review of how character of historic importance is managed. In the event that this did occur, I consider that the buildings of 24m in height may still be appropriate, provided a suitable standard of design is achieved, that responds to these character buildings. The reduction to 20.5m in height due to the Volcanic view shaft, which effects the parts of the plan change area opposite these building, would assist with ensuring compatibility. However, if the existing height of 18m was to be retained for the part of the centre opposite 910 – 962 New North Road, this would further assist due to any height above 18m having to be assessed in more detail in relation to effects on the town centre built form and character at the time of Resource Consent.

### ***Pedestrian Amenity***

35. The Mixed Use and Town Centre zones do have sufficient provisions within them to manage the design of development, in support of a high standard of pedestrian amenity. This includes, through controls on the location of carparking, criteria related to ground floor design along street frontages, glazing, accessibility and pedestrian canopies as well building design and distribution of activities.



36. However, the PPC part of New North Road has a relatively poor standard of pedestrian amenity, with the exception of the recently upgraded area in the town centre. In particular this is due the narrowness of the road corridor that as an arterial road has to provide for relatively high volumes of cars, trucks and buses.
37. Auckland Transport, is currently in the early stages of considering changes to the New North Road corridor (from Newton to Avondale) to better provide for buses and cyclists, in addition to pedestrians.

#### *Footpath width*

38. The existing footpath width is limited in most places outside of the recently upgraded town centre area. In general the existing quality of the footpaths and associated pedestrian environment along the plan change portion of New North Road are not ideal for the intensity of development enabled under the existing zone, or as increased by the plan change. In particular, since it is an area where public transport, walking and cycling is intended to be the main modes of transport for most daily trips, and that under the NPS-UD no car parks will be required for residential apartments.
39. It would be preferable to have some mechanism in the AUP to support the provision of wider footpaths where this is required to ensure more generous and safe provision of pedestrian amenity. This could be achieved through a ground floor building setback of 1 - 2 m. Noting that this would only be for the ground floor, and thus have limited impact on the overall development capacity of the sites of street enclosure. This could be achieved through a colonnade, or a building setback with balconies extending above the widened pedestrian path.
40. It may be possible to negotiate a ground floor building setback at the time of Resource Consent, if the assessment of environmental effects supported the need. However, a localised precinct plan would assist in ensuring a more cohesive and integrated approach to the provision of an improved street environment better suited to the level of development enabled by the plan change. Alternatively, improvement may be achieved via Auckland Transport's planned programme of work in due course.

#### *Access to train station*

41. There is currently a pedestrian route provided for from New North Road to the Mt Albert Railway Station, through 923 New North Road. It is understood that the public use of this route is currently secured via a commercial lease arrangement, and that the Eden Albert Local Board would also like to see further development of a public plaza in the area.
42. Whilst the provision of a plaza in this location has some merit, and the provision of pedestrian route to the train station is of particular importance, it would require a precinct plan to enable this to be a matter addressed in the AUP.
43. In terms of ensuring long term viability and access to the train station, the existing lease arrangement is helpful in setting a precedent and supporting the establishment of pedestrian routes. It is likely that on any redevelopment of the site, this same route will be provided as it should make good commercial sense to do so as an ideal location along which to have retail or hospitality activities that would benefit from passing foot-traffic. This may (or may not) be covered and would likely be a key point of design review and assessment of any Resource Consent application due to the provisions

of the zone that emphasise the importance of pedestrian amenity and accessibility both to and through sites.

44. There is another access to the railway station from Carrington Road, and access is also possible via Ballast Lane to the boundary with KiwiRail land. As result, even if the New North Road connection was lost in the future, there is still access provided to the station.
45. The future provision of plaza would be more difficult to achieve without a precinct plan, but the option of land purchase could still be pursued regardless of planning provisions. In addition to this, the incorporation of landscape design features into the future development of the site (including street tree retention) may suffice in achieving the quality and character of amenity suited to the area. The design review and assessment processes associated with a Restricted Discretionary Consent, including independent design review by the Auckland Urban Design Panel, also provides an opportunity for consideration of public space and amenity matters, alongside the provisions of AUP. These review processes are important and are often effective at encouraging developers to adopt key features and qualities that are of benefit to the public whilst also being an integral part of their development.
46. I also note that issues related to a plaza and pedestrian route to the train station will continue to exist without the PPC as they don't specifically relate to building height.

#### *Trees*

47. It is understood that the large tree on the corner of Carrington Road and New North Road is located within the 911 New North Road property, and is not protected with the AUP as a notified tree. It will most likely be removed on redevelopment of this site even if the 18m height limit is retained.
48. The mature trees outside 915 New North Road are within the road reserve, and the protection of these on redevelopment will be important to support the amenity of the town centre area, in particular until such time as the newly planted trees reach maturity.
49. The street trees outside 945 A are similarly important, but in this location where 24m high buildings will be enabled, they will ensure visual integration of the new buildings with the existing streetscape, including softening views of the built form from the opposite side of New North Road and from various locations along it.
50. Retaining these large trees will most likely require buildings next to them to be setback from the street to allow space for the tree canopy and root systems. As result, the visual dominance and amenity effects of the 24m high buildings will be reduced in these areas.
51. Overtime, the other street trees along New North Road will continue to grow, and provide further softening of the built form, but not to the same extent due to their size.

#### *Shading to footpaths.*

52. The Barkers Urban Design Assessment report states that:

*“Whilst the shading studies show that the additional height will result in shading of New North Road slightly earlier in the day, there is no protection of sunlight access to the public realm in Mixed Use or Town Centre zones under the AUP (OP) provisions. Shading effects from development in centre*

*zones is only a relevant consideration where adjacent a residential or open space zone. Indeed, the purpose of the maximum building height standard, specifically excludes the effects of shading on the street.”*

53. I do not agree with the assessment by Barkers and consider that the additional shading created is a significant concern in relation the vibrancy of Mt Albert town centre, and the qualities anticipated in a well-functioning urban environment and town centres. In particular, the encouragement of retail and hospitality activities, and spaces to stop, sit and interact whilst travelling to places, or passing through the centre is central to good urban design. Sunlight is an important amenity feature for all public spaces, and for hospitality and public outdoor seating areas in particular. The importance of sunlight also increases during the colder months, and contributes to a more pleasant experience than at the height of summer. In summer it also the late afternoon and early morning sun that is enjoyed most by hospitality venues, and people out for a recreational walk.
54. Noting that even 18m height would result in a significant change in existing amenity, and the amount of sunlight to the footpath along the south-eastern side of New North Road, the additional loss of sunlight is of concern.
55. The shading diagrams demonstrate that the increase in height from 18 – 24m will reduce the amount of sunlight to the eastern footpath by about 1– 2 hours a day. In particular the footpath and seating areas will be in shade from:
  - 4pm in summer instead of from after 5pm,
  - 3pm September instead of from after 4pm, and
  - from about 12/12.30 pm instead of from 2pm in winter.
56. These are key times of the day where sunlight supports commercial viability (for hospitality) but also supports an attractive and enjoyable amenity for people walking or cycling home from school or work. This is also noted in Submission Number 14 from Mr Derek Bing.
57. The issue of shading is also of greater concern than in most situations or parts of the city, due to the length of the town centre block without any significant breaks. This is a result of the railway line that is located along the western boundary, and the fact that unlike in other parts of the city, there are no side streets heading west, to break up what is a very long block that is over 690 metres long. Even the portion opposite the town centre zoned area 165 metres in length. This length, combined with the orientation of the street, could result in excessive shading.
58. Another important factor in regard to the loss of sunlight, is the effect this has is on the visual quality of the street as a whole, including how the sun plays upon the facades of buildings, is filtered through trees, and contributes to a dynamic and interesting façade. In this regard it is important to note that the shading effects continue to get worse from the above stated times as the shadows extend across the upper floors and street elevation of buildings. This will impact on the visual amenity of the town centre and New North Road, not just the pedestrian footpath.
59. Whilst I haven't undertaken a detailed assessment of the impacts on public life, and public realm, as result of a reduction in sunlight, I do consider that an increase to 24m in height (even allowing for a reduction in height to accommodate the volcanic view shaft), has the potential to have a significant

impact on the vibrancy of the town centre and pedestrian amenity in general. This reduction in town centre vibrancy will also not support the objectives of the Town Centre zone, and Regional Policy Statement that require a high quality public realm to support intensification.

60. I also note that because shading to the street cannot be considered in assessing a proposed development, there is little scope to consider the effects of this at the time of Resource Consent. I also note that the area of greatest concern is from 945 New North Road and Ballast Lane northwards, where even the modelling undertaken by Jasmox anticipates no substantial break in the built form. South of 945a New North Road, it is reasonable to anticipate some breaks between buildings (as illustrated in the drawing set) to maximise the development potential of the deeper sites and to achieve the outlook required for residential apartments. Including some variation in upper floor setback where small sections of THAB zone occur.
61. One way to address this matter is to consider the introduction of an upper floor setback provision, specific to the PPC area. This could be consistent with provisions that apply when a site is opposite a residential zone for example 18m then a setback of 6m. It may be that a 2-3 metre setback may suffice but this could be assessed at the time of Resource Consent, subject to how any setback is integrated into the design of a building. In the event that a upper floor setback provision is not met, it would be appropriate to assess any infringement as a Restricted Discretionary Consent, on the proviso that shading to footpaths is a matter of discretion and assessment.
62. Alternatively, given the portion of the site opposite the town centre zone that is of most concern, I would recommend that the increase in the height variation control should not be applied from 945 New North Road to Carrington Road (or from Ballast Lane through to Carrington Road.)
63. I also note that not applying the additional height to this area, will also ensure a more generous protection to the volcanic view shaft within the most sensitive part of the PPC area, and assist with ensuring the scale of future development will better complement the existing buildings to the north, and south-east of the site. This is on the basis that consent can still be applied for to go over the 18m height limit, but will need to demonstrate how additional adverse effects on the amenity of the town centre are avoided, minimised or mitigated through the design of a proposal.
64. 945a New North Road and areas south of Ballast Lane of less concern, due to being located opposite the Mixed Use Zone, and in area that is currently predominately residential with houses typically well set back from the street. As illustrated in the Jasmox set, the development of these areas is also not as likely to be continuous in length. The shading effects of this area are discussed in more detail in the section on residential amenity.

### ***Reverse Sensitivity to Railway Line***

65. The issue of reverse sensitivity has been raised by Kiwi Rail, and I consider that to be a matter that requires further consideration. For example, at the moment it is my understanding that there is no setback or yard requirement along the boundary with the railway corridor. In the event that large expanses of concrete walls or carparking are proposed at ground level next to the rail line, or in the likely event that apartments with balconies are proposed to look out to the north-west over the rail line, some consideration of amenity along the boundary, (including scope for tree planting and landscaping) and management of noise, would be of benefit to both the users of the railway line, residents in the apartments, and potentially also to residential properties on the opposite site of the corridor.

66. I am unsure how this matter is addressed in the AUP, or if it is addressed. However, in terms of providing for the integration of transport and built form, and quality environments, I think it is matter that should be considered more.
67. I also note that the interface between the sites and Kiwi Rail's rail corridor could vary subject to the location of the train station, and the environment around the station is likely to be more sensitive than other parts of the corridor. But, Ballast Lane runs alongside the corridor in this location and that this creates a separation between the PPC land and station.

### ***Residential Amenity Effects***

68. The residential areas that are closest to the subject site are currently zoned Terraced Housing and Apartment Building, (THAB) and are separated from the site by either New North Road or the railway corridor. These THAB areas also provide for a transition in scale from the business zoned area, to the lower density residential suburbs to the east and west. This helps to reduce the potential for visual dominance, shading and privacy effects to surrounding lower density residential areas.
69. I also note there is both a HIRB control from the edge of residentially zone properties, even if on other side of railway or street. There is also a requirement to set back buildings by 6m above 18m in height from the street when opposite a residential zone, but this only applies to streets not the railway corridor. These provisions are illustrated in the Jasmex drawing set and have informed the Barkers Assessment

### ***Shading Effects***

70. Barker's assessment of shading effects is based on the expectation that the Mixed-Use zoned properties along the south-eastern side of New North Road will be redeveloped over time to the 18m height limit already provided for in the AUP. If /when this does occur the shading effects of these buildings will be greater than that provided by a 24m high building on the north-western side of New North Road for the majority of the year.
71. It is also important to note that the shading study is based on indicative building forms that may vary in plan resulting in smaller (or larger) gaps between the building blocks. Thus, they only provide an estimate of potential shading and the actual effects on various properties cannot be fully assessed due to the fact that they will vary subject to site layout and building design of any future development.
72. However, based on the shading study undertaken and included as Appendix 4 to the PPC, the properties located along the south-eastern side of New North Road street frontage will experience a greater amount of shading from:
- 1pm in June onwards, (with sunlight retained to a the full extent of the front yard from approximately between 10am – 12pm)
  - 3pm in September onwards, (with sunlight retained to a the full extent of the front yard from approximately between 12pm – 2pm)
  - 5pm in December onwards, (with sunlight retained to a the full extent of the front yard from approximately between 12pm -4)

73. The majority of the existing houses in the Mixed Use zone along the south-eastern side of New North Road are set back from the street, and have their private outdoor spaces to the side or rear of the houses. Thus, they will get more sunlight than the hours noted above, and are still likely to receive northern and eastern sunlight and the impact on liveability will be minimal.
74. In terms of if/when south-eastern properties develop, it is most likely that buildings will be 3 – 5 stories high, with upper floor balconies for residential units. Thus, the additional height being requested in the PPC is unlikely to effect the long term development potential, and amenity of the future residents.
75. There will be additional shading to the school property, and residential THAB zoned area south of Mclean Street, but an upper floor building setback will be required at this corner within the PPC area of land, in addition to some reduction in height to meet the Volcanic View Shaft provisions.
76. Overall, I concur with Barkers assessment that the additional effects of 24m high buildings that will be enabled by PPC, relative to 18m building height currently provided for in the AUP, will be minimal in regard to the residential areas. And, as noted above, some of these areas are likely to change to enable an increase in height, through the implementation of the NPS\_UD.

#### ***Visual dominance and privacy effects***

77. For properties directly located on the opposite side of the railway line corridor and New North Road, there will be an increase in visual dominance effects depending on the orientation of properties, location of mature trees, the height of existing houses and height of any new development. However, with the extent of change already enabled within the PPC area, and in the surrounding neighbourhood via the MHU, THAB and MU zones, I do not consider additional height to have a substantial addition effect over the longer term.
78. In regard to privacy, the additional height (being above 18m) is unlikely to have any greater effect than the existing height due to the greater distance to ground level and angle of view with eye likely to be draw to the wider landscape not down to ground. There are also various ways that privacy effects can be managed through the resource consent process and thus I do not consider this to be a matter of concern.

#### **Should the HCV be changed in other locations?**

79. When undertaking my review, I have turned my mind to whether it would be more appropriate to also increase the Height Variation Control for the remainder of the Mount Albert Town Centre spatial extent. At this moment, and based on the information provided I consider that it is acceptable to only consider the western side. The eastern side abuts the THAB zone, and it is better to consider this as part of work on the implementation of NPS\_UD. There are also parts of the town centre that have buildings that in my opinion are of local character and amenity value, and additional height is more likely to impact them if applied along the eastern side of New North Road.

## Summary of review findings

80. Based on my review of the Barkers Urban Design Assessment and the PPC request as a whole, I acknowledge that the AUP(OP) already anticipates a reasonably significant change in built form on the site than currently exists. I also acknowledge that much of the area surrounding the site is zoned for Business - Town Centre, Residential – Terrace Housing and Apartment Buildings and Business – Mixed Use, with the expectation that the existing built form in these areas would also intensify over time. Noting that the HIRB and upper floor street setback provisions (of 6m after 18m when opposite a residential zone), and the associated assessment criteria, also enables assessment of shading and visual dominance effects when proximate to residential areas.
81. However, I am of the view, that the quality of the pedestrian environment and public realm, becomes even more important as the area intensifies, and a key part of that is ensuring the provision of sunlight to key areas in town centres, at important times of the day, to encourage interaction and vibrancy of use. For this reason, whilst I note that the limitation of building height that would be required to accommodate the volcanic view shaft assists in minimising the shading effects (relative to other parts of the site), I consider that further management of height and shading effects to the eastern footpath of the town centre zone is required in order to support the PPC.

## REVIEW OF SUBMISSIONS

82. Key urban design issues raised by submitters include concerns about:
- Shading
  - Effects on the character of the town centre
  - Visual dominance and effects on views and the valued amenity of landscape/landform
  - Relationship with the Volcanic view shaft controls
  - Impact on traffic and integration with transport systems
  - Reverse sensitivity with rail line

## Submissions in Support

83. There are only two submissions in support of the proposed plan change

***Submitter 9 – Vincent Heeringa (1 Mount Albert Road, Mount Albert)***

84. This submitter supports the proposed intensification of the New North Road through the adoption of PPC63 for the following reasons:

*- Auckland is desperately short of homes and urban intensification is a fast and relatively easy solution to increasing supply*

*- Auckland must reduce its reliance on cars so increasing the urban population especially on transport nodes is critical*

*- to meet its climate change commitments Aucklanders must use alternative transport modes, which is best served by intensification*

*- a denser population will add to the vibrancy and commercial viability of Mt Albert as a hub*

85. I agree with all of these points, with the exception of considering that in order to ensure the vibrancy and commercial viability of Mt Albert some areas are not well suited to the additional height proposed.

#### ***Submitter 15 – Kāinga Ora***

86. Kāinga Ora have requested the plan change be accepted, and that the Height Variation Control allowing up to 24m high buildings also be applied to the MUZ and TCZ on the western side of New North Road. Their Further Submission supports this request.
87. For the reasons discussed above, I don't support Kāinga Ora's request to extend the Height Variation Control to other parts of Mt Albert, or to remove the application of the Volcanic View Shafts. I consider that the volcanic view shafts are of critical importance to the character and amenity of Auckland / Tamaki Makaurau and the collective identity of the city.

#### **Submissions in Opposition – Unless concerns resolved**

88. There were two submissions that requested decline unless concerns resolved:

#### ***Submitter 10 – Tūpuna Maunga o Tāmaki Makaurau Authority (Dominic Wilson)***

89. The Tūpuna Maunga o Tāmaki Makaurau Authority are opposed to HVC being above that of a regionally significant volcanic viewshaft A13 due to the impact that could have on the integrity of the viewshaft and broader views to and from Owairaka. They also request that a licensed cadastral surveyor confirm the precise RL of the floor of the viewshaft relative to the site. This is opposed in a further submission from Kāinga Ora.
90. This submission is addressed by Peter Kensington in detail. However, from an urban design perspective, as discussed above I support the expressed value and importance of protecting the integrity viewshaft A13. I rely on Peter's assessment of effects and risk on this matter.

#### ***Submitter 13 – Auckland Transport (Kevin Wong-Toi)***

91. The Auckland Transport submission is being addressed by Mat Collins. However there is an overlap between transport and urban design matters, with the integration of built form, transport, landscape and activity being central to achieving good urban design outcomes.
92. I consider the following points to be of particular importance, and thus do not support Auckland Transport's request to decline the plan change.



93. The direction from central government to remove all minimum car parking standards, and the location of the site proximate to the railway station, and on New North Road (that has frequent bus services) will make it one of the best served areas for public transport in Auckland.
94. The level changes across the sites, with the ground falling away from the street to the rail line also creates the opportunity to efficiently accommodate lower ground service areas and a limited amount of car parking to support the servicing of the building appropriate to the scale of development possible under the plan change.
95. The provision of a high quality pedestrian environment, including additional space for wider pedestrian footpaths, and the pedestrian connection to the Mt Albert Railway Station, are issues that currently exist and whilst the pressure on them will be increased there are a range of ways these issues can be addressed. Including through the design assessment process at the time of Resource Consent as part of ensuring a successful ground floor/street level interface.

### Submissions in opposition

96. The following submissions all request the application be declined.
97. Where issues raised have been discussed above, no detailed comment is provided. Where effects from a specific street or property have been raised, a site visit was made to that street to assist with the assessment of effects on the neighbourhood in that area. No private properties were visited.

#### ***Submitter 1 – Ronald Tapply - (23 Willcott Street, Mount Albert)***

98. Submission points relate to the proposed additional height being out of scale with the landscape / landform resulting in a reduction in landscape / visual amenity value; impact on centre with loss of shops, no car parking provision, and shading effects on the town centre environment.

#### *Response*

99. As discussed above, I agree with this submission in regard to the shading effects to the eastern side of New North Road corridor and its footpath. Due to the sensitivity of activity at street level I consider that the effects of this shading could be significant in regard to pedestrian amenity and the functioning / vibrancy of the shopping and hospitality area of Mt Albert Town Centre. I have not assessed wind effects, as this is not my area of expertise but it is a relevant consideration in relation to the amenity of the town centre. The potential impact on landscape and views is discussed by Peter Kensington.
100. In regard to a loss of shops and the impact that this could have on the vibrancy of the town centre, the Town Centre Zone requires an active retail/ commercial ground floor that is designed to support retail or hospitality activity along street frontages. The Mixed Use Zone provisions on ground floor activity also puts emphasise on an active street frontage, with some flexibility only considered where adaptability of use can provided.
101. I consider that the car parking issues relate primarily to the provision of car parking for visitors, including retail and hospitality venues at street level. The provision of additional height will increase

the number of likely residents living in the town centre, but a low level of car ownership is anticipated due to the increasingly high standard of public transport being provided in the area. The effect of the additional height (and number of residents) is more likely to have a positive effect on the town centre commercial areas and local businesses by providing more people in walking distance who will walk and not drive to access the town centre services.

***Submitter 2 – David Ryan - (PO Box, Mt Albert)***

102. Submission points relate to increased difficulty in finding off-street car parking.

*Response*

103. As per the comments above in response to Submitter 1, from an urban design perspective, the additional height is unlikely to impact on the usability of off-street car parking due to the likelihood of being used for residential and anticipated changes in how people travel around the city.

***Submitter 3 – Martyn Pratt – (49a Allendale Road, Mount Albert)***

104. Submission points relate to how an increased height will block views of volcanic cones from streets north of New North Road; and - increased height will restrict views from Allendale Road to the west including sea views.

*Response*

105. Based on Figure 8 of the Boffa Miskell information there is the potential for reduced amount of view above the impact that 18m will already have. This is being assessed by Peter Kensington.

***Submitter 4 – Trustees of the Pat and Cath Coll Family Trust (Cathy Coll)***

106. The submission points relate to how the character of the area will change significantly and that 5-6 storey buildings will complement the traditional historic two to three storey buildings that currently exist in the neighbourhood much more suitably. However, 8 storeys will impact the character of the area significantly; and that the shading effects on residential areas to the east of New North Road will be substantial, not minimal as assessed by Mr Riley.

*Response*

107. I agree in part with the comments on the character effects of the 8 storey (24 m high) building on the character of the town centre because subject to the detailed design of any building, 5-6 stories would be more compatible with the existing 3 storey built form on the eastern side than 8 stories. However, despite the contribution the buildings in the south-eastern part of the Mt Albert town centre make, none of these buildings currently have any special character protection in the Auckland Unitary Plan.

108. In regard to shading effects, I consider that whilst there will be an increase in late afternoon shading to existing properties, for the majority of properties on the eastern side of New North Road shading

effects will be minimal. Shading will also be variable subject to how other properties may redevelop overtime given the existing AUP provisions for the THAB zoning that applies for properties along the eastern side of New North Road.

***Submitter 5 – Plunkett Family Trust (Robert and Valerie Plunkett). - 4 and 4a Mclean Street***

109. The Submission focusses on the clear view currently available from the submitters front deck to the west. From the Waitakeres through the upper harbour towards Te Atatū, over to Point Chevalier, the harbour to the hills of Greenhithe and the North shore, and onto the elevated Birkenhead region and Hobsonville.

*Response*

110. In reviewing the topography of the site, relative to 4 and 4a Mclean Street, it is likely that the 18m height already provided for in the AUP for the MU Zone and the 16m in the THAB zone in the residential zoned area would impact on the majority of the view noted in the Plunkett Family Trust submissions and thus the Plan Change will have minimal additional effect. Although due to the specific topography, it may also block the what remains of the view in relation to the Waitakere Ranges and Upper Harbour.

111. This is because the height above sea level of the plan change area at 947 – 975 Great North Road is between approximately RL 45 and RL 47. The ground level outside the houses of 4 and 4a Mclean Street is about RL 52 (taken from Auckland Councils GIS). An 18m high building will have a roof top of approximately RL63 and the deck at 4 McLean Street, being two stories is likely to be located at about RL 55 ( no more than 3m above RL 52). This being a RL difference of 11m. These relationships between the existing permitted and proposed additional height is similar to that illustrated in Figure 8 of the Boffa Miskell drawing set.

112. The information above highlights the sensitivity of this issue, and from an urban design perspective, intermittent and varied views from the eastern slopes of Owairaka to the western areas of the city are an important part of the character and amenity of this area. However, Peter Kensington is better placed to assess the effects of the change in height on views from the properties in Mclean Street, Allendale Road and other areas, due to long distance nature of the views, and the varied landscape.

***Submitter 6 – Leon Lu [address unknown]***

113. The submission points focus on 18 m being high enough for this area, that 24m will block the mountain or sea view of many houses on both sides of New North Road. It may also appear out of context, with New Lynn apartment tower as an example.

*Response*

114. In addition to the responses above, it is important to note the apartment tower in New Lynn consists of 11 floors of residential apartments, above 3 floors of commercial. This is approximately 48m high, and substantially taller than the 24m being requested in the PPC.

115.

**Submitter 7 – Katrina Elliot - 5 Woodward Road**

116. This submission focuses on shading effects to the submitters property at 5 Woodward Road.

*Response*

117. This property is located to north of the site, and rail line. Due to the its location and angle of the sun, it will only experience additional shading at and before 8am on winter mornings, as per the shadow study for 8am and 9am for 22 June.

**Submitter 8 - Ravi Ja - 929 New North Road**

118. No reason is given for the submitters opposition to the plan change, but I note the 929 New North Road is located within the proposed plan change area.

**Submitter 11 – Lloyd Austin - 2/986A New North Road, Mount Albert**

119. The submission focuses on the importance of protecting the regionally significant Volcanic View Shaft for cultural, character and landscape amenity reasons and submits that they should be considered a qualifying matter under the NPS UD. Other submission points include the landscape and streetscape effects of having 24m on one side of the street arguing that it will be disproportionate in relation to the slopes of Owairaka; and the shading effects on the residential properties to the east of New North Road when the sun sets low to the north-west.

*Response*

120. As per comments above, I agree with the importance of protecting the regionally significant Volcanic View Shaft. In regard to the shading effects I consider that as per my assessment above, whilst there will be an increase in late afternoon shading effects on residential properties on the south-eastern side of New North Road, this is not considered to be substantial in the context of the urban intensification anticipated by the AUP for that side of the road. With many houses already experiencing shade in the late afternoon, and having north or north/eastern private outdoor spaces.

**Submitter 12. Darryl Cocker – 998 New North Road**

121. This submission focuses on the shading effects to the submitters property at 998 New North Road from 945a and 947 New North Road, due to the additional height.

*Response*

122. As per my assessment above, whilst there will be an increase in later afternoon shading to this property, given the location of the existing house, the additional height will have no effect for the

majority of the year. This site is also zoned for Business - Mixed Use and is in area where change is anticipated.

***Submitter 14 – Derek Bing - Owner of 896 New North Road, Mount Albert (Vinnies Barbershop)***

123. This submission focuses on the additional shading that will be created and the impact that this will also have on visual amenity. Of concern is that the increase to 24m in height from 18m and the impact that will have on the viability and vibrancy of the retail and hospitality tenancies along the eastern side of New North Road, and be contradictory to the intent of the recently completed changes to New North Road within the town centre area.

124. In particular it notes that:

This will guarantee that no sun will reach the south side of New North Rd at noon in mid-winter, a time when sunshine would be most appreciated, especially by the numerous cafes situated there.

The 33% increase in height for such a long length of the road would also cause a significant loss of visual amenity, turning this section of New North Rd into a shadowy canyon.

*Response*

125. As discussed above, I agree with this submitter in regard to the shading effects on the commercial activity at street level along the eastern side of New North Road, and that these are exacerbated by the long length of road without breaks. However, note that it is likely to be approximately 12.30, not midday (12pm) in winter.

126. The visual effects of large buildings are also harder to manage because of the increase in height, although they are of lesser concern due to the Restricted Discretionary consent criteria of the Mixed Use and Town Centre zones that provide for the assessment of building design and appearance.

***Submitter 16 – Michael Reid. - 30 Willcott Street, Mount Albert***

127. This submission focuses on a loss of views towards Owairaka from their property at 30 Willcott Street, and shading effects. Noting that:

*“The proposed plan change will cause a shading issue over our property by blocking morning sun particularly over the summer months. We are on a south facing slope and already suffer winter shading due to a commercial building at 22B Willcott and a pair of Pohutukawa trees at 26A Willcott.”*

*Response*

128. 30 Willcot Street is likely to experience additional shading before approximately 8.30 am at the equinox and in Summer. This will affect part of the garden, and is likely to impact on sunlight into the house earlier on in the morning. Whilst the concerns about the shading from other properties is

noted as being a factor affecting the amount of sun to this property, I do not consider the effects from the PPC to be substantial given the limited amount of time to which it applies.

129. It is my understanding that even an 18m high building will block views to Owairaka from 30 Willcot Street. The additional height will be noticeable, and as noted above, will have visual dominance effects in relation to the existing residential activity. However, as this site is also zoned Business - Mixed Use, and adjoins areas zoned THAB, thus is an area where substantial change in character and amenity is anticipated overtime.

***Submitter 17 - Lauren Mentjox -41A Allendale Road***

130. This submission focused on transport effects and is addressed by Mat Collins.

***Submitter 18 – Richard Wilburn - Owner of 12/22a Wilcott Street, Mount Albert***

131. This submission focuses on how the increase in height would change the view of the volcano (Mt Albert) from 12/22a Wilcott Street; how it may result in more gaps between commercial buildings, due to an increase in residential activity which could impact to the vitality of the town centre that:

*“has suffered since St Lukes went in; however it has been recovering over time”.*

The submitter also notes that Mt Albert is of historical importance:

*“ (ie the 2nd main township in Auckland after Remuera) and as such should have its building frontage control maintained as it has a unique part of Auckland’s development and History”.*

132. As noted above, from an urban design perspective, I agree with the submission that some parts of the Mt Albert town centre, in particular north of Carrington Road, and to the south-east of New North Road opposite the PPC area, should have special character protection due to the contribution they make to the character of Mt Albert. However, this is a matter outside of the scope of this plan change.

133. In regard to the impact on the town centre with additional residential activity, I consider that the existing provisions in the AUP should be sufficient to address this risk. There are provisions that require commercial activity to ground floor / street level and that limit the potential for residential to be located at street level where as the submitter pointed out, this can detract of the continuity of commercial activity that is important in a town centre. Residential above street level however, will support the town centre with a greater residential population within the walkable catchment, providing a new and growing customer base that also won't be reliant on carparking.

134. In regard to views of Owairaka/Mt Albert, it is my understanding that the 18m height will block these, even from the upper floor of 22a Wilcott street due to the level differences between the sites, and the proximity to each other.

## CONCLUSION

135. It is my opinion that, from an overall urban design effects perspective, PPC63 is appropriate in part for the reasons outlined above, but cannot be supported unless the potential for additional shading effects to the eastern side of New North Road in the town centre zoned area is avoided.
136. This could be achieved through not applying the additional height requested to 911 – 945 New North Road. This would also address Maunga Authority concerns, and ensure integration with the existing character of Mt Albert town centre is better achieved in the event that that eastern side is not redeveloped.
137. Whilst pedestrian amenity at street level along the western parts of New North Road continue to be of concern, including the width and quality of footpaths, I am relatively confident that these can be addressed through the Resource Consent process to ensure spaces at street level are suitable for the activity proposed within any land use consent. This is due to the Restricted Discretionary consent required for any new building.
138. How development is designed in relation to the rail line, to reduce the risk of reverse sensitivity issues and visual amenity and character effects to both the users of rail corridor and future residents on the subject site is of concern but is a matter that can also be addressed through the design of a future building.
139. Whilst there will be some increase in visual dominance and shading effects to residential properties in the surrounding area, I consider these to be relatively minimal in comparison to the effects of an 18m high building currently provided for in the plan change area; and importantly the Volcanic Viewshaft control will ensure that new development still fits with the wider landscape context of the area by limiting height to below 24m in places.
140. I also note that to a certain extent, most of the above effects are already apparent in the provision of an 18m height limit under the existing provisions of the AUP, however the effects are greater with an increase in building height and intensity of use. Both through the proposed plan change, and the increase in development that can be anticipated through the implementation of the NPS-UD from August 2022.

Regards

Tracy

## Attachment 1 – Relevant qualifications and experience

### **Tracy Ogden-Cork. BAS, BArch (Hons), MArch (Hons) Experience and Qualifications**

- I hold a Bachelor of Architectural Studies, a Bachelor of Architecture (Hons) and a Master of Architecture (Hons) from the University of Auckland. My Master's thesis was on Tikanga Maori and Urban Design in the context of Tamaki Makaurau.
- I am currently the Director of Motu Design Limited (Motu Design), which I established in 2005. My team in Motu Design includes urban designers from both architecture and landscape architectural backgrounds and includes landscape designers. I have 20 years of experience in urban design and strategic planning, and more recently landscape design through my practice Motu Design Ltd.
- I have been a member of the Auckland Urban Design Panel since 2012 and have just been re-appointed to the Panel as Chair for 2021-2023 term. I am an affiliate member of the New Zealand Institute of Architects and a member of the Urban Design Forum.
- Myself and my team at Motu Design frequently provide urban design assessments of Resource Consent for Auckland Council, including for large scale mixed use / apartment developments.

My previous work experience relevant to this proposed plan change includes:

- Plan Change 24 - Auckland Unitary Plan - Waiata Shores - to re-zone residential land to a Local Centre Zone. Urban Design Assessment (for Auckland Council, 2019)
- Plan Change 21 - Auckland Unitary Plan - Brightside Road - Urban Design Services and Expert Evidence for Southern Cross - A Private Plan change to rezone land from Mixed Housing Suburban and Single House Zone to Special Purpose – Healthcare Facility and Hospital zone. (for Southern Cross Hospitals 2019 – 2020).
- Plan Change 30 - Auckland Unitary Plan - Master planning and Urban Design Assessment for a private plan change to rezone land surplus to club requirements from Special Purpose – Major Recreation Facility Zone to Business – Light Industry Zone. (Counties Racing Club, Pukekohe 2019)
- Proposed Auckland Unitary Plan - Urban Design Expert Evidence on behalf of Auckland Council, 2015-16, in response to submissions and including recommended changes to provisions for:
  - Design Statements - Information Requirements
  - Kingseat Precinct Provisions
  - Albany Centre Precinct Provisions
- Milford Town Centre - North Shore District Plan - expert urban design evidence in support of submissions opposing the proposed plan change for existing shopping mall site (for Milford Residents, 2012)
- Learning Quarter - Auckland Central Area - urban design analysis, testing of built form options, consultation with key stakeholders and collaboration with Boffa Miskell on the development of plan



change provisions, urban design assessment, and reporting in response to submissions. Plan Change made operative. (for Auckland Council, 2009-2011)

- Albany Centre - Vision and Development Strategy and Business 11 zone, North Shore District Plan – development of proposed plan change in collaboration with Kobus Mentz (previously SKM now Urbanism+), including public consultation and preparation of the Albany Centre development strategy (while working for North Shore City Council 2002-2004)
- Working for North Shore City Council as part of the City Blueprint team on the 20-year Strategy for Managing Growth and Change in the North Shore City. (2000 -2002)



# Memo

27 October 2020

To: Clare Wall Shaw, Principal Planner  
cc: Fiona Sprott, Team leader  
From: Todd Elder, Planner, Plans and Places department

**Subject:** Proposed Private Plan Change for the land 911 – 975 New North Road and Chapter D14 Volcanic viewshafts and height sensitive area overlay of the Auckland Unitary Plan (OP).

## Context

### Chapter D14 Volcanic viewshaft and height sensitive area overlay

A majority of the proposed private plan change site (“**the site**”) is covered by Regionally Significant Volcanic Viewshaft A13 (“**viewshaft**”). 911 – 915 New North Road of the site are not affected by the viewshaft (see Figure 1 below).



Figure 1 Proposed Plan Change site

Viewshaft A13 is of Ōwairaka / Te Ahi—Kā-a-rakataura/ Mt Albert with the origin point located on the North-western Motorway (SH16), next to the Te Atatu interchange on-ramps<sup>1</sup>. Figure 2 below displays the extent of the viewshaft and the location of the site.

<sup>1</sup> Please refer to Schedule 9 Volcanic Viewshaft Schedule for the surveying coordinates for viewshaft A13: <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20L%20Schedules/Schedule%209%20Volcanic%20Viewshafts%20Schedule.pdf>

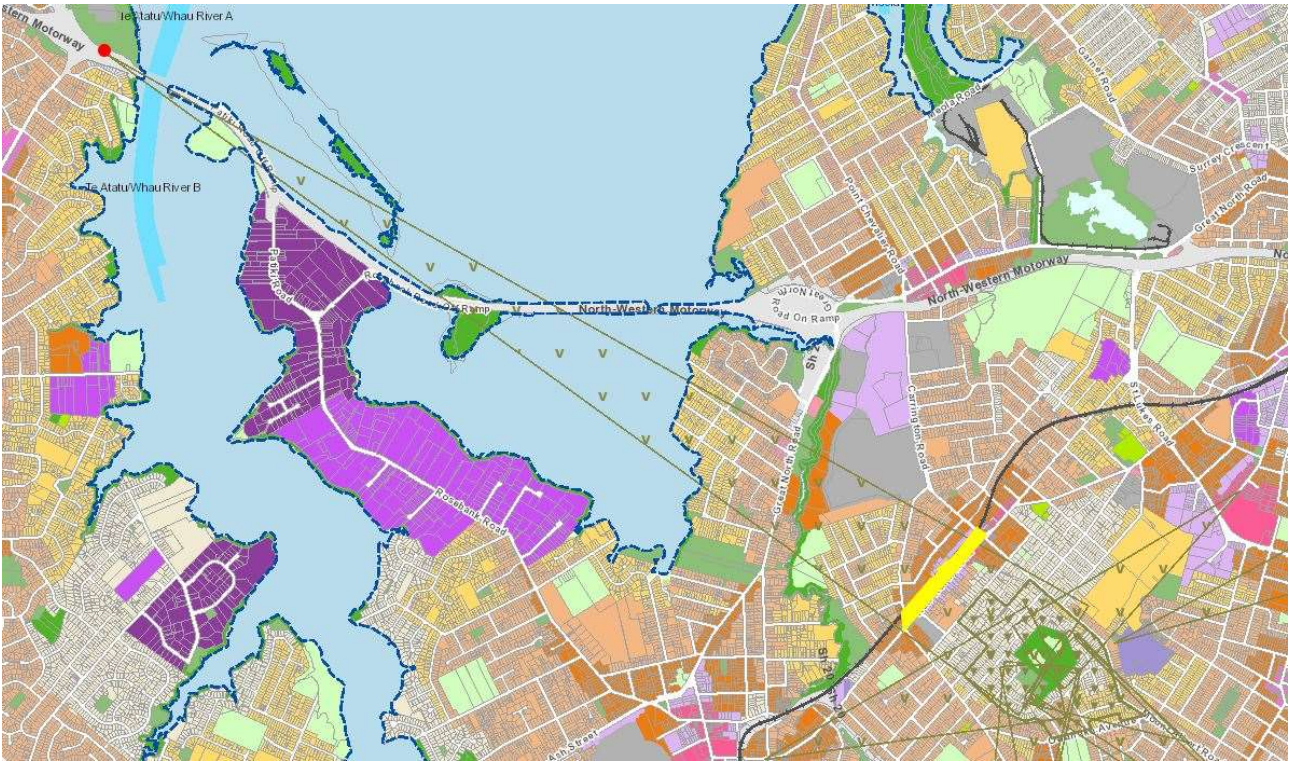


Figure 2 Proposed private plan change site in relation to Viewshaft A13

The site is not affected by the height sensitive area overlay.

The AUP (OP) GIS viewer identifies that the A13 viewshaft height above ground level<sup>2</sup> is approximately 20 metres to 28 metres. This height is the difference between the viewshaft plane and topography of the ground below.

The Iwi/Hapu with in interests<sup>3</sup> in the Maunga (Mt Albert/Ōwairaka/Te Ahi—Kā-a-rakataura) are:

- Ngāi Tai ki Tāmaki
- Ngāti Maru
- Ngāti Pāoa
- Ngāti Tamaoho
- Ngāti Tamaterā
- Ngāti Te Ata
- Ngāti Whātua Ōrākei
- Ngāti Whātua o Kaipara
- Te Ākitai Waiohua
- Te Kawerau ā Maki
- Te Rūnanga o Ngāti Whātua

<sup>2</sup> The viewshaft contours on the AUP (OP) GIS viewer are indicative and applicants are required to confirm the height of the viewshaft with qualified surveyors certificate.

<sup>3</sup> Tūpuna Maunga o Tāmaki Makaurau Intergrated Management Plan (Part 1):

<https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/kaupapa-maori/comanagement-authorities-boards/tupuna-maunga-tamaki-makaurau-authority/docstupunamaungaimp/tupuna-maunga-integrated-management-plan-part1.pdf>

## Analysis

Rule 'C1.10 Activities to be read in conjunction with activity table headings' states:

*"(1) Each activity listed in an activity table must be read, interpreted and applied in conjunction with the relevant heading or sub-heading of the part of the activity table in which it is listed."*<sup>4</sup>

The relevant table in this circumstance is Table D14.4.1 Activity table, the activity heading reads:

*"Buildings (where they intrude into a scheduled volcanic viewshaft), excluding network utilities, electricity generation facilities, broadcasting facilities and road networks"*

My interpretation of rule C1.10 and Table D14.4.1 heading is that for the provisions under chapter D14 Volcanic Viewshafts and Height Sensitive Areas Overlay to apply, a building must physically intrude into a Regionally Significant Volcanic Viewshaft. In this circumstance, development will intrude into viewshaft A13.

As the request includes amending the height controls on the site from 18 metres to 24 metres with the use of the Height Variation Control (HVC), there is an increased probability that a building will intrude viewshaft A13 in the site. If a building intrudes the viewshaft at a height that is greater than 9m, activity (A6) of Table D14.4.1 applies.

Activity (A6) is for:

*"buildings not otherwise provided for or that do not comply with the standards under D14.6".*

This non-complying activity and must be publicly notified.

The effects of this intrusion would be assessed at the resource consent stage, where detailed building design would be required for a suitably qualified landscape architect to make a recommendation based on the effects.

## Conclusion

In summary, for Chapter D14. to be applicable to the site, a building would need to physically intrude into the Regionally Significant Volcanic Viewshaft. For the proposed PPC site, any building that intrudes the viewshaft will trigger the need for a non-complying resource consent under activity (A6).

Kia pai tō rā

**Todd Elder | Planner**

**Planning North, West & Islands | Plans and Places**

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<sup>4</sup> Rule C1.10 Chapter C General Rules of the Auckland Unitary Plan (OP)  
<https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20C%20General%20Rules/C%20General%20rules.pdf>



## **APPENDIX SIX**

### **NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020**





New Zealand Government

# National Policy Statement on Urban Development 2020

July 2020

This National Policy Statement was approved by the Governor-General under section 52(2) of the Resource Management Act 1991 on 20 July 2020, and is published by the Minister for the Environment under section 54 of that Act.

This National Policy Statement replaces the National Policy Statement on Urban Development Capacity 2016.

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# Part 1: Preliminary provisions

## 1.1 Title

- (1) This is the National Policy Statement on Urban Development 2020.

## 1.2 Commencement

- (1) This National Policy Statement comes into force on 20 August 2020.
- (2) See Part 4, which sets out timeframes for complying with different parts of this National Policy Statement.

## 1.3 Application

- (1) This National Policy Statement applies to:
  - (a) all local authorities that have all or part of an urban environment within their district or region (ie, tier 1, 2 and 3 local authorities); and
  - (b) planning decisions by any local authority that affect an urban environment.
- (2) However, some objectives, policies, and provisions in Parts 3 and 4 apply only to tier 1, 2, or 3 local authorities.

## 1.4 Interpretation

- (1) In this National Policy Statement:

**accessible car park** means a car park designed and marked (for instance, in accordance with the mobility car parking scheme) for use by persons with a disability or with limited mobility

**Act** means the Resource Management Act 1991

**active transport** means forms of transport that involve physical exercise, such as walking or cycling, and includes transport that may use a mobility aid such as a wheelchair

**additional infrastructure** means:

- (a) public open space
- (b) community infrastructure as defined in section 197 of the Local Government Act 2002
- (c) land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities
- (d) social infrastructure, such as schools and healthcare facilities
- (e) a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001)
- (f) a network operated for the purpose of transmitting or distributing electricity or gas

**business land** means land that is zoned, or identified in an FDS or similar strategy or plan, for business uses in urban environments, including but not limited to land in the following:

- (a) any industrial zone
- (b) the commercial zone
- (c) the large format retail zone
- (d) any centre zone, to the extent it allows business uses
- (e) the mixed use zone, to the extent it allows business uses
- (f) any special purpose zone, to the extent it allows business uses

**centre zone** means any of the following zones:

- (a) city centre zone
- (b) metropolitan centre zone
- (c) town centre zone
- (d) local centre zone
- (e) neighbourhood centre zone

**commencement date** means the date on which this National Policy Statement comes into force (see clause 1.2)

**community services** means the following:

- (a) community facilities
- (b) educational facilities
- (c) those commercial activities that serve the needs of the community

**competitiveness margin** means the margin referred to in clause 3.22

**decision-maker** means any person exercising functions or powers under the Act

**development capacity** means the capacity of land to be developed for housing or for business use, based on:

- (a) the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and
- (b) the provision of adequate development infrastructure to support the development of land for housing or business use

**development infrastructure** means the following, to the extent they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government Act 2002):

- (a) network infrastructure for water supply, wastewater, or stormwater
- (b) land transport (as defined in section 5 of the Land Transport Management Act 2003)

**FDS** means the Future Development Strategy required by subpart 4 of Part 3

**feasible** means:

- (a) for the short term or medium term, commercially viable to a developer based on the current relationship between costs and revenue

- (b) for the long term, commercially viable to a developer based on the current relationship between costs and revenue, or on any reasonable adjustment to that relationship

**HBA** means the Housing and Business Development Capacity Assessment required by subpart 5 of Part 3

**infrastructure-ready** has the meaning in clause 3.4(3)

**long term** means between 10 and 30 years

**long-term plan** means a long-term plan (including the infrastructure strategy required to be included in it) adopted by a local authority under section 93 of the Local Government Act 2002

**medium term** means between 3 and 10 years

**nationally significant infrastructure** means all of the following:

- (a) State highways
- (b) the national grid electricity transmission network
- (c) renewable electricity generation facilities that connect with the national grid
- (d) the high-pressure gas transmission pipeline network operating in the North Island
- (e) the refinery pipeline between Marsden Point and Wiri
- (f) the New Zealand rail network (including light rail)
- (g) rapid transit services (as defined in this clause)
- (h) any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers
- (i) the port facilities (but not the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002

**planned** in relation to forms or features of transport, means planned in a regional land transport plan prepared and approved under the Land Transport Management Act 2003

**plan-enabled** has the meaning in clause 3.4(1)

**planning decision** means a decision on any of the following:

- (a) a regional policy statement or proposed regional policy statement
- (b) a regional plan or proposed regional plan
- (c) a district plan or proposed district plan
- (d) a resource consent
- (e) a designation
- (f) a heritage order
- (g) a water conservation order

**public transport** means any existing or planned service for the carriage of passengers (other than an aeroplane) that is available to the public generally by means of:

- (a) a vehicle designed or adapted to carry more than 12 persons (including the driver); or
- (b) a rail vehicle; or
- (c) a ferry

**qualifying matter** has the meaning in clause 3.32

**rapid transit service** means any existing or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic

**rapid transit stop** means a place where people can enter or exit a rapid transit service, whether existing or planned

**RMA planning document** means all or any of the following:

- (a) a regional policy statement
- (b) a regional plan
- (c) a district plan

**short-medium term** means within the next 10 years

**short term** means within the next 3 years

**tier 1 local authority** means each local authority listed in column 2 of table 1 in the Appendix, and **tier 1 regional council** and **tier 1 territorial authority** have corresponding meanings

**tier 2 local authority** means each local authority listed in column 2 of table 2 in the Appendix, and **tier 2 regional council** and **tier 2 territorial authority** have corresponding meanings

**tier 3 local authority** means a local authority that has all or part of an urban environment within its region or district, but is not a tier 1 or 2 local authority, and **tier 3 regional council** and **tier 3 territorial authority** have corresponding meanings

**tier 1 urban environment** means an urban environment listed in column 1 of table 1 in the Appendix

**tier 2 urban environment** means an urban environment listed in column 1 of table 2 in the Appendix

**tier 3 urban environment** means an urban environment that is not listed in the Appendix

**urban environment** means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- (a) is, or is intended to be, predominantly urban in character; and
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people

**well-functioning urban environment** has the meaning in Policy 1.

- (2) Terms defined in the Act and used in this National Policy Statement have the meanings in the Act, unless otherwise specified.
- (3) Terms defined in the National Planning Standard issued under section 58E of the Act and used in this National Policy Statement have the meanings in that Standard), unless otherwise specified.
- (4) A reference in this National Policy Statement to a **zone** is:
  - (a) a reference to that zone as described in Standard 8 (Zone Framework Standard) of the National Planning Standard; or
  - (b) a reference to the nearest equivalent zone, in relation to local authorities that have not yet implemented the Zone Framework in the National Planning Standard.



## **1.5 Implementation by tier 3 local authorities**

- (1) Tier 3 local authorities are strongly encouraged to do the things that tier 1 or 2 local authorities are obliged to do under Parts 2 and 3 of this National Policy Statement, adopting whatever modifications to the National Policy Statement are necessary or helpful to enable them to do so.

## **1.6 Incorporation by reference**

- (1) Clause 2(1) of Schedule 1AA of the Act does not apply to any material incorporated by reference in this National Policy Statement.

# Part 2: Objectives and policies

## 2.1 Objectives

**Objective 1:** New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

**Objective 2:** Planning decisions improve housing affordability by supporting competitive land and development markets.

**Objective 3:** Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) the area is in or near a centre zone or other area with many employment opportunities
- (b) the area is well-serviced by existing or planned public transport
- (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

**Objective 4:** New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

**Objective 5:** Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

**Objective 6:** Local authority decisions on urban development that affect urban environments are:

- (a) integrated with infrastructure planning and funding decisions; and
- (b) strategic over the medium term and long term; and
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.

**Objective 7:** Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

**Objective 8:** New Zealand's urban environments:

- (a) support reductions in greenhouse gas emissions; and
- (b) are resilient to the current and future effects of climate change.

## 2.2 Policies

**Policy 1:** Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- (a) have or enable a variety of homes that:
  - (i) meet the needs, in terms of type, price, and location, of different households; and
  - (ii) enable Māori to express their cultural traditions and norms; and

- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- (e) support reductions in greenhouse gas emissions; and
- (f) are resilient to the likely current and future effects of climate change.

**Policy 2:** Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

**Policy 3:** In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
- (c) building heights of least 6 storeys within at least a walkable catchment of the following:
  - (i) existing and planned rapid transit stops
  - (ii) the edge of city centre zones
  - (iii) the edge of metropolitan centre zones; and
- (d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:
  - (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
  - (ii) relative demand for housing and business use in that location.

**Policy 4:** Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

**Policy 5:** Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

- (a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
- (b) relative demand for housing and business use in that location.

**Policy 6:** When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
  - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
  - (ii) are not, of themselves, an adverse effect
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity
- (e) the likely current and future effects of climate change.

**Policy 7:** Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.

**Policy 8:** Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

- (a) unanticipated by RMA planning documents; or
- (b) out-of-sequence with planned land release.

**Policy 9:** Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:

- (a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and
- (b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and
- (c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and
- (d) operate in a way that is consistent with iwi participation legislation.

**Policy 10:** Tier 1, 2, and 3 local authorities:

- (a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and
- (b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and
- (c) engage with the development sector to identify significant opportunities for urban development.

**Policy 11:** In relation to car parking:

- (a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and
- (b) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.

# Part 3: Implementation

## 3.1 Outline of part

- (1) This part sets out a non-exhaustive list of things that local authorities must do to give effect to the objectives and policies of this National Policy Statement, but nothing in this part limits the general obligation under the Act to give effect to those objectives and policies.

## Subpart 1 – Providing development capacity

### 3.2 Sufficient development capacity for housing

- (1) Every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district to meet expected demand for housing:
  - (a) in existing and new urban areas; and
  - (b) for both standalone dwellings and attached dwellings; and
  - (c) in the short term, medium term, and long term.
- (2) In order to be **sufficient** to meet expected demand for housing, the development capacity must be:
  - (a) plan-enabled (*see* clause 3.4(1)); and
  - (b) infrastructure-ready (*see* clause 3.4(3)); and
  - (c) feasible and reasonably expected to be realised (*see* clause 3.26); and
  - (d) for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin (*see* clause 3.22).

### 3.3 Sufficient development capacity for business land

- (1) Every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district to meet the expected demand for business land:
  - (a) from different business sectors; and
  - (b) in the short term, medium term, and long term.
- (2) In order to be **sufficient** to meet expected demand for business land, the development capacity provided must be:
  - (a) plan-enabled (*see* clause 3.4(1)); and
  - (b) infrastructure-ready (*see* clause 3.4(3)); and
  - (c) suitable (as described in clause 3.29(2)) to meet the demands of different business sectors (as described in clause 3.28(3)); and
  - (d) for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin (*see* clause 3.22).

### 3.4 Meaning of plan-enabled and infrastructure-ready

- (1) Development capacity is **plan-enabled** for housing or for business land if:
  - (a) in relation to the short term, it is on land that is zoned for housing or for business use (as applicable) in an operative district plan
  - (b) in relation to the medium term, either paragraph (a) applies, or it is on land that is zoned for housing or for business use (as applicable) in a proposed district plan
  - (c) in relation to the long term, either paragraph (b) applies, or it is on land identified by the local authority for future urban use or urban intensification in an FDS or, if the local authority is not required to have an FDS, any other relevant plan or strategy.
- (2) For the purpose of subclause (1), land is **zoned** for housing or for business use (as applicable) only if the housing or business use is a permitted, controlled, or restricted discretionary activity on that land.
- (3) Development capacity is **infrastructure-ready** if:
  - (a) in relation to the short term, there is adequate existing development infrastructure to support the development of the land
  - (b) in relation to the medium term, either paragraph (a) applies, or funding for adequate infrastructure to support development of the land is identified in a long-term plan
  - (c) in relation to the long term, either paragraph (b) applies, or the development infrastructure to support the development capacity is identified in the local authority's infrastructure strategy (as required as part of its long-term plan).

### 3.5 Availability of additional infrastructure

- (1) Local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available.

### 3.6 Housing bottom lines for tier 1 and 2 urban environments

- (1) The purpose of the housing bottom lines required by this clause is to clearly state the amount of development capacity that is sufficient to meet expected housing demand plus the appropriate competitiveness margin in the region and each constituent district of a tier 1 or tier 2 urban environment.
- (2) For each tier 1 or tier 2 urban environment, as soon as practicable after an HBA is made publicly available (see clause 3.19(1)):
  - (a) the relevant regional council must insert into its regional policy statement:
    - (i) a housing bottom line for the short-medium term; and
    - (ii) a housing bottom line for the long term; and
  - (b) every relevant territorial authority must insert into its district plan:
    - (i) a housing bottom line for the short-medium term that is the proportion of the housing bottom line for the short-medium term (as set out in the relevant regional policy statement) that is attributable to the district of the territorial authority; and

- (ii) a housing bottom line for the long term that is the proportion of the housing bottom line for the long term (as set out in the relevant regional policy statement) that is attributable to the district of the territorial authority.
- (3) The housing bottom lines must be based on information in the most recent publicly available HBA for the urban environment and are:
  - (a) for the short-medium term, the sum of:
    - (i) the amount of feasible, reasonably expected to be realised development capacity that must be enabled to meet demand, along with the competitiveness margin, for the short term; and
    - (ii) the amount of feasible, reasonably expected to be realised development capacity that must be enabled to meet demand, along with the competitiveness margin, for the medium term; and
  - (b) for the long term, the amount of feasible, reasonably expected to be realised development capacity that must be enabled to meet demand, along with the competitiveness margin, for the long term.
- (4) The insertion of bottom lines must be done without using a process in Schedule 1 of the Act, but any changes to RMA planning documents required to give effect to the bottom lines must be made using a Schedule 1 process.

### **3.7 When there is insufficient development capacity**

- (1) If a local authority determines that there is insufficient development capacity (as described in clauses 3.2 and 3.3) over the short term, medium term, or long term, it must:
  - (a) immediately notify the Minister for the Environment; and
  - (b) if the insufficiency is wholly or partly a result of RMA planning documents, change those documents to increase development capacity for housing or business land (as applicable) as soon as practicable, and update any other relevant plan or strategy (including any FDS, as required by subpart 4); and
  - (c) consider other options for:
    - (i) increasing development capacity; and
    - (ii) otherwise enabling development.

## **Subpart 2 – Responsive planning**

### **3.8 Unanticipated or out-of-sequence developments**

- (1) This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.
- (2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:
  - (a) would contribute to a well-functioning urban environment; and
  - (b) is well-connected along transport corridors; and
  - (c) meets the criteria set under subclause (3); and



- (3) Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.

## Subpart 3 – Evidence-based decision-making

### 3.9 Monitoring requirements

- (1) Every tier 1, 2, and 3 local authority must monitor, quarterly, the following in relation to each urban environment in their region or district:
  - (a) the demand for dwellings
  - (b) the supply of dwellings
  - (c) prices of, and rents for, dwellings
  - (d) housing affordability
  - (e) the proportion of housing development capacity that has been realised:
    - (i) in previously urbanised areas (such as through infill housing or redevelopment); and
    - (ii) in previously undeveloped (ie, greenfield) areas
  - (f) available data on business land.
- (2) In relation to tier 1 urban environments, tier 1 local authorities must monitor the proportion of development capacity that has been realised in each zone identified in clause 3.37(1) (ie, each zone with development outcomes that are monitored).
- (3) Every tier 1, 2, and 3 local authority must publish the results of its monitoring at least annually.
- (4) The monitoring required by this clause must relate to the relevant urban environments, but may apply more widely (such as, for example, where the relevant data is available only on a region or district-wide basis).
- (5) If more than one tier 1 or tier 2 local authority has jurisdiction over a tier 1 or tier 2 urban environment, those local authorities are jointly responsible for doing the monitoring required by this subpart.

### 3.10 Assessing demand and development capacity

- (1) Every local authority must assess the demand for housing and for business land in urban environments, and the development capacity that is sufficient (as described in clauses 3.2 and 3.3) to meet that demand in its region or district in the short term, medium term, and long term.
- (2) Tier 1 and tier 2 local authorities comply with subclause (1) in relation to tier 1 and tier 2 urban environments by preparing and publishing an HBA as required by subpart 5.

### **3.11 Using evidence and analysis**

- (1) When making plans, or when changing plans in ways that affect the development of urban environments, local authorities must:
  - (a) clearly identify the resource management issues being managed; and
  - (b) use evidence, particularly any relevant HBAs, about land and development markets, and the results of the monitoring required by this National Policy Statement, to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to:
    - (i) achieving well-functioning urban environments; and
    - (ii) meeting the requirements to provide at least sufficient development capacity.
- (2) Local authorities must include the matters referred to in subclause (1)(a) and (b) in relevant evaluation reports and further evaluation reports prepared under sections 32 and 32AA of the Act.

## **Subpart 4 – Future Development Strategy (FDS)**

### **3.12 Preparation of FDS**

- (1) Every tier 1 and tier 2 local authority must prepare, and must make publicly available as required under the Local Government Act 2002, an FDS for the tier 1 or 2 urban environment:
  - (a) every 6 years; and
  - (b) in time to inform, or at the same time as, preparation of the next long-term plan of each relevant local authority.
- (2) The FDS must apply, at a minimum, to the relevant tier 1 and 2 urban environments of the local authority, but may apply to any wider area.
- (3) If more than one tier 1 or tier 2 local authority has jurisdiction over a tier 1 or tier 2 urban environment, those local authorities are jointly responsible for preparing an FDS as required by this subpart.
- (4) If a local authority that is not a tier 1 or 2 local authority chooses to prepare an FDS, either alone or with any other local authority, this subpart applies as if it were a tier 1 or 2 local authority, except that any reference to an HBA may be read as a reference to any other document that contains broadly equivalent information.
- (5) An FDS may be prepared and published as a stand-alone document, or be treated as part of any other document (such as a spatial plan).

### **3.13 Purpose and content of FDS**

- (1) The purpose of an FDS is:
  - (a) to promote long-term strategic planning by setting out how a local authority intends to:

- (i) achieve well-functioning urban environments in its existing and future urban areas; and
  - (ii) provide at least sufficient development capacity, as required by clauses 3.2 and 3.3, over the next 30 years to meet expected demand; and
- (b) assist the integration of planning decisions under the Act with infrastructure planning and funding decisions.
- (2) Every FDS must spatially identify:
- (a) the broad locations in which development capacity will be provided over the long term, in both existing and future urban areas, to meet the requirements of clauses 3.2 and 3.3; and
  - (b) the development infrastructure and additional infrastructure required to support or service that development capacity, along with the general location of the corridors and other sites required to provide it; and
  - (c) any constraints on development.
- (3) Every FDS must include a clear statement of hapū and iwi values and aspirations for urban development.

### **3.14 What FDSs are informed by**

- (1) Every FDS must be informed by the following:
- (a) the most recent applicable HBA
  - (b) a consideration of the advantages and disadvantages of different spatial scenarios for achieving the purpose of the FDS
  - (c) the relevant long-term plan and its infrastructure strategy, and any other relevant strategies and plans
  - (d) Māori, and in particular tangata whenua, values and aspirations for urban development
  - (e) feedback received through the consultation and engagement required by clause 3.15
  - (f) every other National Policy Statement under the Act, including the New Zealand Coastal Policy Statement
  - (g) any other relevant national policy required by, or issued under, legislation.

### **3.15 Consultation and engagement**

- (1) When preparing or updating an FDS local authorities must use the special consultative procedure in section 83 of the Local Government Act 2002.
- (2) In order to prepare the draft required by that procedure, local authorities must engage with the following:
- (a) other local authorities with whom there are significant connections relating to infrastructure or community
  - (b) relevant central government agencies

- (c) relevant hapū and iwi
- (d) providers of additional infrastructure
- (e) relevant providers of nationally significant infrastructure
- (f) the development sector (to identify significant future development opportunities and infrastructure requirements).

### **3.16 Review of FDS**

- (1) Every tier 1 and tier 2 local authority must regularly review its FDS to determine whether it needs updating, and the review must be done in time to inform the next long-term plan (ie, every 3 years).
- (2) The review must:
  - (a) engage with the development sector and landowners to identify significant future development opportunities and associated infrastructure requirements; and
  - (b) consider the most recent HBA.
- (3) If, following the review, the local authority decides that the FDS does not need updating, that decision and the reasons for it must be publicly notified.
- (4) If, following the review, the local authority decides that the FDS is to be updated, the local authority must follow the same processes for consultation as apply to the preparation of an FDS, but only in relation to the aspects proposed to be updated.

### **3.17 Effect of FDS**

- (1) Every tier 1 and tier 2 local authority:
  - (a) must have regard to the relevant FDS when preparing or changing RMA planning documents; and
  - (b) is strongly encouraged to use the relevant FDS to inform:
    - (i) long-term plans, and particularly infrastructure strategies; and
    - (ii) regional land transport plans prepared by a local authority under Part 2 of the Land Transport Management Act 2003; and
    - (iii) any other relevant strategies and plans.

### **3.18 FDS implementation plan**

- (1) Every tier 1 and tier 2 local authority must prepare and implement an implementation plan for its FDS.
- (2) If a tier 1 or tier 2 local authority consists of more than one local authority, the implementation plan must be prepared as a single document by all the local authorities that jointly prepared the FDS.
- (3) Every implementation plan, or part of an implementation plan, must be updated annually.

- (4) An implementation plan or part of an implementation plan:
  - (a) is not part of the FDS to which it relates; and
  - (b) does not need to be prepared using the consultation and engagement requirements set out in clause 3.15; and
  - (c) does not have the effect of an FDS as described in clause 3.17.

## **Subpart 5 – Housing and Business Development Capacity Assessment (HBA)**

### **3.19 Obligation to prepare HBA**

- (1) Every tier 1 and tier 2 local authority must prepare, and must make publicly available as required under the Local Government Act 2002, an HBA for its tier 1 or tier 2 urban environments every 3 years, in time to inform the relevant authority's next long-term plan.
- (2) The HBA must apply, at a minimum, to the relevant tier 1 or tier 2 urban environments of the local authority (ie, must assess demand and capacity within the boundaries of those urban environments), but may apply to any wider area.
- (3) If more than one tier 1 or tier 2 local authority has jurisdiction over a tier 1 or tier 2 urban environment, those local authorities are jointly responsible for preparing an HBA as required by this subpart.

### **3.20 Purpose of HBA**

- (1) The purpose of an HBA is to:
  - (a) provide information on the demand and supply of housing and of business land in the relevant tier 1 or tier 2 urban environment, and the impact of planning and infrastructure decisions of the relevant local authorities on that demand and supply; and
  - (b) inform RMA planning documents, FDSs, and long-term plans; and
  - (c) quantify the development capacity that is sufficient to meet expected demand for housing and for business land in the short term, medium term, and long term.

### **3.21 Involving development sector and others**

- (1) In preparing an HBA, every tier 1 and tier 2 local authority must seek information and comment from:
  - (a) expert or experienced people in the development sector; and
  - (b) providers of development infrastructure and additional infrastructure; and
  - (c) anyone else who has information that may materially affect the calculation of the development capacity.

### **3.22 Competitiveness margin**

- (1) A competitiveness margin is a margin of development capacity, over and above the expected demand that tier 1 and tier 2 local authorities are required to provide, that is required in order to support choice and competitiveness in housing and business land markets.
- (2) The competitiveness margins for both housing and business land are:
  - (a) for the short term, 20%
  - (b) for the medium term, 20%
  - (c) for the long term, 15%.

## **Housing**

### **3.23 Analysis of housing market and impact of planning**

- (1) Every HBA must include analysis of how the relevant local authority's planning decisions and provision of infrastructure affects the affordability and competitiveness of the local housing market.
- (2) The analysis must include an assessment of how well the current and likely future demands for housing by Māori and different groups in the community (such as older people, renters, homeowners, low-income households, visitors, and seasonal workers) are met, including the demand for different types and forms of housing (such as for lower-cost housing, papakāinga, and seasonal worker or student accommodation).
- (3) The analysis must be informed by:
  - (a) market indicators, including:
    - (i) indicators of housing affordability, housing demand, and housing supply; and
    - (ii) information about household incomes, housing prices, and rents; and
  - (b) price efficiency indicators.

### **3.24 Housing demand assessment**

- (1) Every HBA must estimate, for the short term, medium term, and long term, the demand for additional housing in the region and each constituent district of the tier 1 or tier 2 urban environment:
  - (a) in different locations; and
  - (b) in terms of dwelling types.
- (2) Local authorities may identify locations in any way they choose.
- (3) Local authorities may identify the types of dwellings in any way they chose but must, at a minimum, distinguish between standalone dwellings and attached dwellings.
- (4) The demand for housing must be expressed in terms of numbers of dwellings.

- (5) Every HBA must:
  - (a) set out a range of projections of demand for housing in the short term, medium term, and long term; and
  - (b) identify which of the projections are the most likely in each of the short term, medium term, and long term; and
  - (c) set out the assumptions underpinning the different projections and the reason for selecting the most likely; and
  - (d) if those assumptions involve a high level of uncertainty, the nature and potential effects of that uncertainty.

### **3.25 Housing development capacity assessment**

- (1) Every HBA must quantify, for the short term, medium term, and long term, the housing development capacity for housing in the region and each constituent district of the tier 1 or tier 2 urban environment that is:
  - (a) plan-enabled; and
  - (b) plan-enabled and infrastructure-ready; and
  - (c) plan-enabled, infrastructure-ready, and feasible and reasonably expected to be realised.
- (2) The development capacity must be quantified as numbers of dwellings:
  - (a) in different locations, including in existing and new urban areas; and
  - (b) of different types, including standalone dwellings and attached dwellings.

### **3.26 Estimating what is feasible and reasonably expected to be realised**

- (1) For the purpose of estimating the amount of development capacity that is reasonably expected to be realised, or that is both feasible and reasonably expected to be realised, local authorities:
  - (a) may use any appropriate method; but
  - (b) must outline and justify the methods, inputs, and assumptions used to arrive at the estimates.
- (2) The following are examples of the kind of methods that a tier 1 local authority could use to assess the amount of development capacity that is feasible and reasonably expected to be realised:
  - (a) separately estimate the number of feasible dwellings (using a feasibility model) and the number of dwellings that can reasonably be expected to be realised (using building consents data on the number of sites and extent of allowed capacity that has been previously developed), for the short, medium and long term; compare the numbers of dwellings estimated by each method; then pick the lower of the numbers in each time period, to represent the amount of development capacity that is feasible and reasonably expected to be realised

- (b) estimate the number of feasible dwellings or sites, and then assess the proportion of these that can reasonably be expected to be developed in the short, medium and long term, using information about landowner and developer intentions
  - (c) integrate information about past development trends and future landowner and developer intentions into the feasibility model, which could mean modifying assumptions about densities, heights, and timing of development.
- (3) The following is an example of the kind of methods that a tier 2 local authority could use to assess the amount of development capacity that is feasible and reasonably expected to be realised:
- (a) assess the number of dwellings that can reasonably be expected to be developed (using building consents data on the number of sites and extent of allowed capacity that has been developed previously), for the short, medium and long term; and
  - (b) then seek advice from the development sector about what factors affect the feasibility of development.
- (4) Different methods may be appropriate when assessing the development capacity that is reasonably expected to be realised in different circumstances, such as:
- (a) in existing, as opposed to new, urban areas; and
  - (b) for stand-alone, as opposed to attached, dwellings.

### **3.27 Assessment of sufficient development capacity for housing**

- (1) Every HBA must clearly identify, for the short term, medium term, and long term, where there is sufficient development capacity to meet demand for housing in the region and each constituent district of the tier 1 or tier 2 urban environment.
- (2) The requirements of subclause (1) must be based on a comparison of:
  - (a) the demand for housing referred to in clause 3.24 plus the appropriate competitiveness margin; and
  - (b) the development capacity identified under clause 3.25.
- (3) If there is any insufficiency, the HBA must identify where and when this will occur and analyse the extent to which RMA planning documents, a lack of development infrastructure, or both, cause or contribute to the insufficiency.

## **Business land**

### **3.28 Business land demand assessment**

- (1) Every HBA must estimate, for the short term, medium term, and long term, the demand from each business sector for additional business land in the region and each constituent district of the tier 1 or tier 2 urban environment.
- (2) The demand must be expressed in hectares or floor areas.



- (3) For the purpose of this clause, a local authority may identify business sectors in any way it chooses but must, as a minimum, distinguish between sectors that would use land zoned for commercial, retail, or industrial uses.
- (4) The HBA for a tier 1 urban environment must:
  - (a) set out a range of projections of demand for business land by business sector, for the short term, medium term, and long term; and
  - (b) identify which of the projections is the most likely in each of the short term, medium term, and long term; and
  - (c) set out the assumptions underpinning the different projections and the reason for selecting which is the most likely; and
  - (d) if those assumptions involve a high level of uncertainty, the nature and potential effects of that uncertainty.
- (5) The HBA for a tier 2 urban environment must:
  - (a) set out the most likely projection of demand for business land by business sector in the short term, medium term, and long term; and
  - (b) set out the assumptions underpinning that projection; and
  - (c) if those assumptions involve a high level of uncertainty, the nature and potential effects of that uncertainty.

### **3.29 Business land development capacity assessment**

- (1) Every HBA must estimate the following, for the short term, medium term, and long term, for the region and each constituent district of the tier 1 or tier 2 urban environment:
  - (a) the development capacity (in terms of hectares or floor areas) to meet expected demand for business land for each business sector, plus the appropriate competitiveness margin; and
  - (b) of that development capacity, the development capacity that is:
    - (i) plan-enabled; and
    - (ii) plan-enabled and infrastructure-ready; and
    - (iii) plan-enabled, infrastructure-ready, and suitable for each business sector.
- (2) A local authority may define what it means for development capacity to be “suitable” in any way it chooses, but suitability must, at a minimum, include suitability in terms of location and site size.

### **3.30 Assessment of sufficient development capacity for business land**

- (1) Every HBA must clearly identify, for the short term, medium term, and long term, whether there is sufficient development capacity to meet demand for business land in the region and each constituent district of the tier 1 or tier 2 urban environment.

- (2) The requirements of subclause (1) must be based on a comparison of:
  - (a) the demand for business land referred to in clause 3.28 plus the appropriate competitiveness margin; and
  - (b) the development capacity identified under clause 3.29.
- (3) If there is any insufficiency, the HBA must identify where and when this will occur and analyse the extent to which RMA planning documents, a lack of development infrastructure, or both, cause or contribute to the insufficiency.

## Subpart 6 – Intensification in tier 1 urban environments

### 3.31 Tier 1 territorial authorities implementing intensification policies

- (1) Every tier 1 territorial authority must identify, by location, the building heights and densities required by Policy 3.
- (2) If the territorial authority considers that it is necessary to modify the building height or densities in order to provide for a qualifying matter (as permitted under Policy 4), it must:
  - (a) identify, by location, where the qualifying matter applies; and
  - (b) specify the alternate building heights and densities proposed for those areas.
- (3) The territorial authority must make the information required by subclauses (1) and (2) publicly available at the same time as it notifies any plan change or proposed plan change to give effect to Policy 3.

### 3.32 Qualifying matters

- (1) In this National Policy Statement, **qualifying matter** means any of the following:
  - (a) a matter of national importance that decision-makers are required to recognise and provide for under section 6 of the Act
  - (b) a matter required in order to give effect to any other National Policy Statement
  - (c) any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure
  - (d) open space provided for public use, but only in relation to the land that is open space
  - (e) an area subject to a designation or heritage order, but only in relation to the land that is subject to the designation or heritage order
  - (f) a matter necessary to implement, or ensure consistency with, iwi participation legislation
  - (g) the requirement to provide sufficient business land suitable for low density uses to meet expected demand under this National Policy Statement
  - (h) any other matter that makes high density development as directed by Policy 3 inappropriate in an area, but only if the requirements of clause 3.33(3) are met.

### **3.33 Requirements if qualifying matter applies**

- (1) This clause applies if a territorial authority is amending its district plan and intends to rely on Policy 4 to justify a modification to the direction in Policy 3 in relation to a specific area.
- (2) The evaluation report prepared under section 32 of the Act in relation to the proposed amendment must
  - (a) demonstrate why the territorial authority considers that:
    - (i) the area is subject to a qualifying matter; and
    - (ii) the qualifying matter is incompatible with the level of development directed by Policy 3 for that area; and
  - (b) assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity; and
  - (c) assess the costs and broader impacts of imposing those limits.
- (3) A matter is not a qualifying matter under clause 3.32(1)(h) in relation to an area unless the evaluation report also:
  - (a) identifies the specific characteristic that makes the level of development directed by Policy 3 inappropriate in the area, and justifies why that is inappropriate in light of the national significance of urban development and the objectives of this National Policy Statement; and
  - (b) includes a site-specific analysis that:
    - (i) identifies the site to which the matter relates; and
    - (ii) evaluates the specific characteristics on a site-specific basis to determine the spatial extent where intensification needs to be compatible with the specific matter; and
    - (iii) evaluates an appropriate range of options to achieve the greatest heights and densities directed by Policy 3, while managing the specific characteristics.

### **3.34 Effects on consideration of resource consents**

- (1) Nothing in Policies 3 or 4 or this subpart precludes the consideration (under section 104 of the Act) of any actual or potential effects on the environment associated with building heights.

## **Subpart 7 – Development outcomes for zones**

### **3.35 Development outcomes for zones**

- (1) Every tier 1, 2 or 3 territorial authority must ensure that:
  - (a) the objectives for every zone in an urban environment in its district describe the development outcomes intended for the zone over the life of the plan and beyond; and

- (b) the policies and rules in its district plan are individually and cumulatively consistent with the development outcomes described in the objectives for each zone.

### **3.36 Development outcomes consistent with intensification policies**

- (1) Every tier 1 territorial authority must ensure that the development outcomes for zones in its tier 1 urban environments are consistent with the outcomes required by Policy 3.

### **3.37 Monitoring development outcomes**

- (1) Every tier 1 territorial authority must monitor the extent to which development is occurring in each of the following zones as anticipated by the development outcomes included in the objectives for the zone:
  - (a) city centre zones
  - (b) metropolitan centre zones
  - (c) town centre zones
  - (d) mixed use zones
  - (e) high density residential zones
  - (f) medium density residential zones
  - (g) general residential zones.
- (2) If monitoring under this clause indicates that development outcomes are not being realised, the territorial authority must, as soon as practicable:
  - (a) undertake an assessment to identify whether provisions of the district plan (individually and cumulatively), or any other factors (and if so, what factors), or both, are contributing to the failure to realise development outcomes; and
  - (b) give public notice (as defined in the Act) of the results of the assessment.
- (3) If the assessment indicates that provisions of a district plan are contributing to the failure to realise development outcomes, the territorial authority must change its district plan to address the deficiency.
- (4) If the assessment indicates that other factors are contributing to the failure to realise development outcomes, the territorial authority must consider alternative methods to improve the rate of realisation (such as the use of incentives for site amalgamation).
- (5) Any plan change required under subclause (3) must be notified as soon as practicable, and no later than 12 months after the assessment is publicly notified.

## **Subpart 8 – Car parking**

### **3.38 Car parking**

- (1) If the district plan of a tier 1, 2, or 3 territorial authority contains objectives, policies, rules, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity, the territorial authority must change its district plan to remove that effect, other than in respect of accessible car parks.

- (2) Territorial authorities must make any changes required by subclause (1) without using a process in Schedule 1 of the Act.
- (3) Nothing in this National Policy Statement prevents a district plan including objectives, policies, rules, or assessment criteria:
  - (a) requiring a minimum number of accessible car parks to be provided for any activity; or
  - (b) relating to parking dimensions or manoeuvring standards to apply if:
    - (i) a developer chooses to supply car parks; or
    - (ii) when accessible car parks are required.

# Part 4: Timing

## 4.1 Timeframes for implementation

- (1) Every tier 1, 2, and 3 local authority must amend its regional policy statement or district plan to give effect to the provisions of this National Policy Statement as soon as practicable
- (2) In addition, local authorities must comply with specific policies of this National Policy Statement in accordance with the following table:

Local authority	Subject	National Policy Statement provisions	By when
Tier 1 only	Intensification	Policies 3 and 4 (see Part 3 subpart 6)	Not later than 2 years after commencement date
Tier 2 only	Intensification	Policy 5	Not later than 2 years after commencement date
Tiers 1 and 2	First FDS made publicly available after commencement date	Policy 2 (see Part 3 subpart 4)	In time to inform the 2024 long-term plan
Tiers 1 and 2	HBA so far as it relates to housing	Policy 2 (see Part 3 subpart 5)	By 31 July 2021
Tiers 1 and 2	HBA relating to both housing and business land	Policy 2 (see Part 3 subpart 5)	In time to inform the 2024 long-term plan
Tiers 1, 2, and 3	Car parking	Policy 11(a) (see clause 3.38)	Not later than 18 months after commencement date

# Appendix: Tier 1 and tier 2 urban environments and local authorities

**Table 1**

Tier 1 urban environment	Tier 1 local authorities
Auckland	Auckland Council
Hamilton	Waikato Regional Council, Hamilton City Council, Waikato District Council, Waipā District Council
Tauranga	Bay of Plenty Regional Council, Tauranga City Council, Western Bay of Plenty District Council
Wellington	Wellington Regional Council, Wellington City Council, Porirua City Council, Hutt City Council, Upper Hutt City Council, Kāpiti Coast District Council
Christchurch	Canterbury Regional Council, Christchurch City Council, Selwyn District Council, Waimakariri District Council

**Table 2**

Tier 2 urban environment	Tier 2 local authorities
Whangārei	Northland Regional Council, Whangarei District Council
Rotorua	Bay of Plenty Regional Council, Rotorua District Council
New Plymouth	Taranaki Regional Council, New Plymouth District Council
Napier Hastings	Hawke's Bay Regional Council, Napier City Council, Hastings District Council
Palmerston North	Manawatū-Whanganui Regional Council, Palmerston North City Council
Nelson Tasman	Nelson City Council, Tasman District Council
Queenstown	Otago Regional Council, Queenstown Lakes District Council
Dunedin	Otago Regional Council, Dunedin City Council





## **APPENDIX SEVEN**

**EDEN-EPSOM RESIDENTIAL PROTECTION  
SOCIETY INCORPORATED V AUCKLAND  
COUNCIL 2021 NZENVC 082**



IN THE ENVIRONMENT COURT  
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU

Decision [2021] NZEnvC 082

IN THE MATTER OF

an appeal under clause 14(1) of Schedule  
1 of the Resource Management Act  
1991 against a decision on Proposed  
Plan Change 21 to the Auckland Unitary  
Plan

BETWEEN

EDEN-EPSOM RESIDENTIAL  
PROTECTION SOCIETY  
INCORPORATED

(ENV-2020-AKL-079)

Appellant

AND

AUCKLAND COUNCIL

Respondent

AND

SOUTHERN CROSS HOSPITALS  
LIMITED

Requestor

AND

KAINGA ORA – HOMES AND  
COMMUNITIES

s274 Party

AND

TUPUNA MAUNGA O TAMAKI  
MAKĀURAU AUTHORITY

s274 Party

Court: Alternate Environment Judge L J Newhook  
Environment Commissioner R M Bartlett  
Environment Commissioner J Baines

Hearing: 8 June 2021

Appearances: M Savage and R Enright for the Society  
B Tree, S de Groot and C Woodward for Requestor



D Hartley for Auckland Council  
C Kirman for Kāinga Ora

Date of Decision: 9 June 2021

Date of Issue: **15 JUN 2021**

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**RECORD OF ORAL DECISION OF THE ENVIRONMENT COURT ON  
PRELIMINARY QUESTIONS ABOUT RELEVANCE OF NPS-UD TO  
THE PROPOSED PLAN CHANGE**

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**Introduction**

[1] The Society had appealed a decision of a majority of independent hearing commissioners approving Proposed Private Plan Change 21 (“PPC21”) to the Auckland Unitary Plan (“AUP”) operative in part. The plan change was to enable expansion and intensification of development of an existing private hospital at 3 Brightside Road Epsom, including onto 3 adjoining residential lots on Gillies Avenue purchased by the requestor.

[2] At the start of the substantive appeal hearing on 8 June 2021, the Court placed 5 questions of law before the parties, the first two of which it advised should be the subject of submissions by the parties at the outset, and perhaps an urgent decision of the Court, against the possibility it could inform the relevance (or not) of some topics in the substantive enquiry.

[3] The two questions orally advised by the Court were:

- a) Does the NPS-UD apply yet? It is operative, but does it drive PPC21; are we required to move ahead of decision-making by the Council on implementation of directive and urgent policies?
- b) If it does drive PPC21 how and in what ways would it drive it?

[4] The NPS-UD was gazetted on 20 July 2020 and became operative on 20 August. It effectively replaced the 2016 NPS on Urban Design Capacity.

[5] It is common ground that Auckland Council is a “Tier 1” local authority, therefore having the greatest obligations of the 3 tiers under the new instrument.

[6] Clause 1.3 is titled “Application” and subclause (b) provides that “[the NPS applies to] planning decisions by any local authority that affect an urban environment”.

[7] The site owned by Southern Cross in Epsom is an urban environment.

[8] The question arises as to whether a decision on the merits of a private plan change on appeal under clause 29(7) of Schedule 1 RMA is a “planning decision”.

[9] The term “planning decision” is defined to the relevant extent in the NPS-UD as meaning a decision on:

...

(c) a district plan or proposed district plan

...

[10] “Proposed district plan” is not defined in the NPS-UD. It is relevant therefore to consider relevant definitions in the RMA, under which the NPS was promulgated.

[11] “District Plan” is defined in s 43AA RMA as (summarised) meaning an operative plan including operative changes.

[12] PPC 21 is not an operative plan change because it is under challenge in this appeal.

[13] “Proposed plan” is however defined in s 43AAC RMA in the following terms:

43AAC Meaning of proposed plan

(1) In this Act, unless the context otherwise requires, *proposed plan*—

- (a) means a proposed plan, a variation to a proposed plan or change, or a change to a plan proposed by a local authority that has been notified under clause 5 of Schedule 1 or given limited notification under clause 5A of that schedule, but has not become operative in terms of

clause 20 of that schedule; and

- (b) includes a proposed plan or a change to a plan proposed by a person under Part 2 of Schedule 1 that has been adopted by the local authority under clause 25(2)(a) of Schedule 1.

(2) Subsection (1) is subject to section 86B and clause 10(5) of Schedule 1.

[14] It is not apparent to us that here are any contexts or policy underpinnings for a proposed change not adopted by a council, not to be regarded in the context of the NPS-UD as being the subject of “planning decisions”.

[15] There is a hint that there is no such contextual difference in literature issued about the NPS-UD by the Ministry for the Environment and Ministry of Housing. Those documents do not however state the law but are limited to providing views from the Executive as to why the National Instrument has been promulgated and to what effect in the view of the Executive.

[16] Perhaps confusingly, there is a definition of “change” in s 43AA RMA as meaning a change proposed by a local authority under clause 2 of Schedule 1 RMA and a change proposed by a person under clause 21 of Schedule 1.

[17] The term “plan change” is found in clause 3.8 in Subpart 2 “Responsive Planning” of the NPS-UD and reads:

### **3.8 Unanticipated or out-of-sequence developments**

(1) This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.

(2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:

- (a) would contribute to a well-functioning urban environment; and
- (b) is well-connected along transport corridors;
- (c) and meets the criteria set under subclause (3); and

(3) Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.

[18] From that clause it may be found that some provisions of the national instrument may be considered in a “planning decision” on the merits of a requested plan change including on appeal to the Environment Court.

[19] The question must then be asked “which provisions” [of the instrument]?

[20] It is appropriate to interrogate Part 2 of the NPS (“Objectives and Policies”). The reference to “planning decisions” among the eight Objectives and 11 Policies is quite limited, being found in only Objectives 2, 5, and 7, and Policies 1 and 6.

[21] Objective 3 and Policy 3 of the NPS attain significant focus in evidence called by Southern Cross.<sup>1</sup>

[22] Objective 3 provides:

**Objective 3:** Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) the area is in or near a centre zone or other area with many employment opportunities
- (b) the area is well-serviced by existing or planned public transport
- (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

[23] Policy 3 provides:

**Policy 3:** In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and

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<sup>1</sup> There was a dispute between the appellant and Southern Cross as to whether certain of the latter’s witnesses relied on them. We do not need to do more for present purposes than come to our conclusion in about there being “significant focus” on them.

- (c) building heights of least 6 storeys within at least a walkable catchment of the following:
- (i) existing and planned rapid transit stops
  - (ii) the edge of city centre zones
  - (iii) the edge of metropolitan centre zones; and
- (d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:
- (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
  - (ii) relative demand for housing and business use in that location.

[24] Neither Objective 3 nor Policy 3 employs the term “planning decision(s)”.

[25] Part 4 of the NPS (“Timing”) is important. Concerning Policies 3 and 4, to the relevant extent it provides as follows:

#### 4.1 Timeframes for implementation

(1) Every tier 1, 2, and 3 local authority must amend its regional policy statement or district plan to give effect to the provisions of this National Policy Statement as soon as practicable

(2) In addition, local authorities must comply with specific policies of this National Policy Statement in accordance with the following table:

<b>Local authority</b>	<b>Subject</b>	<b>National Policy Statement</b>	<b>By when</b>
Tier 1 only	Intensification	Policies 3 and 4 (see Part 3 subpart 6)	Not later than 2 years after commencement date

[26] Evidence and submissions for the council, unchallenged on this aspect, advise that the council is busy with “workstreams” on these (and other) matters that must inform community consultation and the promulgation of plan changes to the AUP



under Schedule 1 RMA. The timing for promulgation under Part 4 is no later than 20 August 2022. That time has of course not yet been reached.

[27] These steps will be logically accomplished under Subpart 6 “Intensification in Tier 1 urban environments”, which requires very precise activity by the local authority (which we were told is happening in these workstreams) of identifying, by location, the building heights and densities required by Policy 3 – with information about these things to be publicly disseminated when notification of the plan changes occurs. Again, these things are yet to occur.

[28] Counsel referred us to two High Court decisions, *Horticulture NZ v Manawatu-Wanganui Regional Council*<sup>2</sup> and *Hawke’s Bay and Eastern Fish and Game Councils v Hawke’s Bay Regional Council*<sup>3</sup>, while conceding that the nascent instruments discussed in those cases were not necessarily worded the same as relevant provisions before us. We have not attempted to compare the several instruments and have preferred to undertake a first principles analysis of the NPS-UD and relevant RMA provisions.

## Conclusion

[29] The Court holds that it is not required to and will not be giving effect in this case to Objectives and Policies in the NPS-UD that are not requiring “planning decisions” at this time.

[30] We acknowledge the promulgation and operative status of the NPS overall but cannot pre-judge, let alone pre-empt, Schedule 1 processes yet to be undertaken by the Council in implementation of it.

[31] Costs are reserved.

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<sup>2</sup> [2013] NZHC 2492, (2013) 17 ELRNZ 652

<sup>3</sup> [2015] NZHC 3191

For the Court:



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L J Newhook  
Alternate Environment Judge



## **APPENDIX EIGHT**

### **COUNCIL DECISION TO ACCEPT PRIVATE PLAN CHANGE 63 UNDER CLAUSE 25 TO THE FIRST SCHEDULE OF THE RMA**



# Private plan change from Tram Lease Limited at 911-975 New North Road, Mount Albert

Clause 25, Schedule 1, Resource Management Act 1991



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## Te take mō te pūrongo

### Purpose of the report

1. To decide how to process the private plan change request to the Auckland Unitary Plan from Tram Lease Limited for 911-975 New North Road, Mount Albert.

## Whakarāpopototanga matua

### Executive summary

2. Auckland Council must decide how a private plan change request is processed. Under the Resource Management Act 1991<sup>1</sup> the council may either:
  - a) adopt the request as if it were a proposed plan change made by the council, or
  - b) accept the private plan change request in whole or in part, or
  - c) reject the private plan change request in whole or in part, if one of the limited grounds for rejection is satisfied, or
  - d) deal with the request as if it were an application for a resource consent, or
  - e) a combination of options a) to c).
3. I recommend that the private plan change request is accepted under clause 25(2)(b) Schedule 1 of the Resource Management Act 1991.
4. Tram Lease Limited seeks to increase the Height Variation Control that applies to 911-953 New North Road from 18m to 24m, and apply a Height Variation Control to 955-975 New North Road to enable buildings up to 24m in the Auckland Unitary Plan (Operative in Part) 2016.
5. The private plan change relates to district plan provisions of the Auckland Unitary Plan. A copy of the private plan change is included as **Attachment A**.
6. Tram Lease Limited considers that the proposed private plan change is the most appropriate method to enable greater height to make efficient use of highly accessible land within the Mount Albert town centre.

## Ngā tūtohunga

### Recommendation/s

7. That the Manager Planning - Central South, having had particular regard to the applicant's section 32 evaluation report, accepts the private plan change request by Tram Lease Limited, included as **Attachment A**, pursuant to clause 25(2)(b) Schedule 1 Resource Management Act 1991, for the following reasons:
  - a. The applicant's section 32 evaluation report considers different options and concludes that the proposed method to increase the Height Variation Control (911-953 New North Road), and the application of a Height Variation Control (955-975 New North Road) is the most appropriate to achieve the purpose of the Resource Management Act 1991.

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<sup>1</sup> Clause 25, Schedule 1, Resource Management Act 1991.

- b. Accepting the private plan change request enables the matters raised by the applicant to be considered on their merits, during a public participatory planning process.
- c. It is inappropriate to adopt the private plan change. The private plan change proposal is not a matter under consideration in council's policy work programme. The private plan change does not address a gap in the Auckland Unitary Plan (Operative in Part) 2016, introduce a new policy direction, nor does the private plan change have broad application by seeking to change provisions that apply across the region. The private plan change seeks to amend the Auckland Unitary Plan (Operative in Part) 2016 only for the land contained within the plan change area. No significant public benefit is gained by the council adopting the private plan change request because:
  - i. The plan change area forms only part of the Mount Albert town centre and does not have any council owned assets.
  - ii. Public benefit issues can be raised and considered on their own merits through the public participatory planning process.
  - iii. Administration costs would be borne by the council.
- d. The grounds to reject a private plan change request under clause 25(4) are limited and no ground is met by this private plan change.
  - i. The request is not frivolous. The applicant provided supporting technical information and the private plan change has a resource management purpose, to make efficient use of urban land. The request is not vexatious. The applicant is not acting in bad faith by lodging a private plan change request.
  - ii. The substance of the request has not been considered within the last two years.
  - iii. The coarse-grain assessment of the request does not indicate that the private plan change is not in accordance with sound resource management practice. Whether the private plan change request's objectives are the most appropriate way of achieving the promotion of sustainable management will be tested through the submission and hearing processes.
  - iv. The provisions of the Auckland Unitary Plan (Operative in Part) 2016 subject to the private plan change request have been operative for at least two years.
- e. It is not appropriate to deal with the private plan change as if it were a resource consent application because no detailed development plans have been made available, and the requestor is seeking to increase development capacity across the plan change area, and has not indicated plans to develop all the land in the near future.

## Horopaki

### Context

#### Plan change area and surrounding area

8. The plan change area comprises approximately 23,000m<sup>2</sup>, includes the properties from 911 to 975 New North Road in Mount Albert, and is bounded by the railway line to the north-west and New North Road to the south-east, Carrington Road to the north, and Woodward Road to the south. These properties form part of the Mount Albert town centre and surrounds.
9. The plan change area includes land zoned as Business - Town Centre and Business - Mixed Use. The land zoned as Business - Town Centre is subject to the Height Variation Control allowing development of buildings up to 18m in height. The height limit for buildings within the Business - Mixed Use zone is 18m as shown in Figure 2 below.
10. In addition, there are two overlays that apply to the plan change area:
  - Natural Resources: Quality Sensitive Aquifer Management Areas Overlay [rp] - Auckland Isthmus Volcanic

- Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A13, Mount Albert, Viewshafts

11. Much of the land in the plan change area is owned by Tram Lease Limited, with the exception of the properties at 911, 929, 931, 933, 935, 937, 945 and 949.



**Figure 1 - Aerial of plan change area**



**Figure 2 - Zoning and Height Variation Control**

## Private plan change content

12. The proposed plan change seeks to amend the AUP GIS Maps to show a new Height Variation Control over 911-953 New North Road and an amended Height Variation Control over 955-975 New North Road and consequential changes to the text of the Auckland Unitary Plan in Table H10.6.1.1 and Table H13.6.1.2 (copy included as **Attachment A**).
13. The proposed plan change seeks to increase the standard height control within the south-western blocks of the Mount Albert town centre (911-975 New North Road) to enable buildings of up to 24m in height. The applicant envisages that the plan change will provide for the redevelopment of Mount Albert town centre enabling intensive mixed use development and more efficient use of land within the centre and adjoining the Mount Albert train station.
14. Early consideration of potential effects arising from the plan change request indicate a significant change in the built form and character and consequent impact on amenity in the Mount Albert town centre and surrounds, an increased level of shading of residential properties in the surrounding area, and an increased demand on local and network infrastructure. While some of these effects may be addressed at the resource consenting stage, other effects will require further attention through the plan change process.
15. All new building development in both the Business - Town Centre and Business - Mixed Use zones in the plan change area will continue to require resource consent as a restricted discretionary activity. The plan change request will not alter the activity status for buildings that seek to achieve the heights sought.
16. The plan change request seeks to amend and introduce Height Variation Controls within the plan change area. This would lead to an increased likelihood that a building in the plan change area would intrude into Regionally Significant Viewshaft A13. Should a building intrude into the viewshaft at a height that is greater than 9m, Rule D14.4.1(A6) would apply, triggering the need for a non-complying resource consent.
17. The applicant provided the following information to support the plan change request:
  - private plan change request, including drafted changes to the Auckland Unitary Plan
  - section 32 evaluation report
  - specialist reports:
    - Site context, shading and bulk and massing studies (Jasmax)
    - Urban Design Assessment
    - Visual Landscape Assessment
    - Integrated Transport Assessment
    - Engineering Assessment
    - Consultation Records

## Timeframes

18. Tram Lease Limited lodged the private plan change request on 30 September 2020.
19. Further information was provided on 1 December 2020, with additional information provided on 13 January 2021.
20. Council is required to decide how the private plan change request is processed within 30 working days of the latest date specified above. That period ends on 25 February 2021.

## Decision-maker



21. Council delegated<sup>2</sup> to Plans and Places' tier four managers the authority to make decisions how to process private plan change requests. A Unit Manager can decide under clause 25, Schedule 1, RMA, how council will process this private plan change request.

## Tātaritanga me ngā tohutohu Analysis and advice

### Statutory context: Resource Management Act 1991

22. Any person may request a change to a district plan, a regional plan or a regional coastal plan.<sup>3</sup> The procedure for private plan change requests is set out in Part 2 of Schedule 1, RMA. The process council follows as a plan-maker is adapted,<sup>4</sup> and procedural steps added<sup>5</sup> including the opportunity to request information.
23. Council must decide under clause 25 which is the most appropriate processing option for each private plan change request. In making this decision council must have particular regard to the applicant's section 32 evaluation report when deciding. The clause 25 decision is the subject of this report and clause 25 is set out in full in **Attachment B**.
24. I consider that the applicant has provided sufficient information for the request to be considered. I consider that the insufficient information grounds for rejection in clause 23(6) are not available in this instance.
25. The plan change request has not been modified under clause 24.
26. I evaluate the options available under clause 25 in the next sections of this report. I have had particular regard to the applicant's section 32 evaluation report in undertaking the assessment of clause 25 options.

### Options available to the council

#### Option 1: Adopt the request, or part of the request, as if it were a proposed plan change made by the council itself

27. Council can decide to adopt the request, or part of the request. Council would then process it as though it were a council-initiated plan change.
28. If the plan change
- a) includes a rule that protects or relates to any natural or historical resource specified in section 86B RMA, or
  - b) provides for or relates to aquaculture activities
- it may be appropriate for the plan change to have legal effect from notification. If there is a proposed rule of this kind, immediate legal effect could be desirable to prevent a "goldrush" of resource (over)use that could occur until the plan change is made operative.
29. Only a council initiated, or an adopted private plan change, could have immediate legal effect.
30. The plan change does not include any proposed rule that would protect, or relate to, any natural or historical resource specified in section 86B. The private plan change is unrelated to aquaculture activities. It is unnecessary to adopt the private plan change request to enable a rule to have immediate legal effect.
31. The request does not address a gap in the Auckland Unitary Plan's planning provisions. The private plan change proposal is not a matter under consideration in council's policy work

<sup>2</sup> Auckland Council Combined Chief Executive's Delegation Register (updated June 2019). All powers, functions and duties under Schedule 1 of the Resource Management Act 1991, except for the power to approve a proposed policy statement or plan under clause 17 of Schedule 1, are delegated to the relevant Tier 4 Manager

<sup>3</sup> Clause 21, Schedule 1, Resource Management Act 1991.

<sup>4</sup> Part 1 Schedule 1 applies, as modified by clause 29 Part 2 Schedule 1, Resource Management Act 1991.

<sup>5</sup> Part 2 Schedule 1 Resource Management Act 1991.

programme. I am aware of the council's workstream in relation to the National Policy Statement: Urban Development (NPS:UD). This work, in relation to Policy 3 of the NPS:UD, is at an early stage, and further work needs to be completed by council to determine the locations across Auckland where increased building heights may occur. It is also noted that the council has not yet finalised the definition of 'walkable catchment' that will be used across Auckland. Therefore, the private plan change does not address a gap in the Auckland Unitary Plan, introduce a new policy direction, nor does the private plan change have broad application by seeking to change provisions that apply across the region.

32. Council meets all costs of processing the plan change if the request is adopted. Council should not carry these costs if the request is primarily of direct benefit to the applicant, rather than the wider public, or have other public policy benefits. The request is a site-specific proposal. The most immediate or direct benefit, if any, is to the applicant.
33. The applicant did not request that council adopt the private plan change request.
34. I recommend the private plan change request not be adopted.

**Option 2: Reject the request, in whole or in part**

35. Council has the power to reject a private plan change request, in whole or in part, in reliance on one of the limited grounds set out in clause 25(4).
36. The grounds for rejection under clause 25(4) are as follows:
  - a) the request or part of the request is frivolous or vexatious; or
  - b) within the last two years, the substance of the request or part of the request;
    - i. has been considered, and given effect to, or rejected by, the local authority or the Environment Court; or
    - ii. has been given effect to by regulations made under section 360A; or
  - c) the request or part of the request is not in accordance with sound resource management practice; or
  - d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or
  - e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than two years.

Is the request frivolous or vexatious?

37. The objective of the plan change is to allow for additional height to enable more intensive development in this location. The request includes a section 32 evaluation report which is supported by specialist assessments on relevant matters, including transport, infrastructure, urban design and landscape. I consider the request is not frivolous as the private plan change:
  - a) was considered thoroughly in the application materials
  - b) is supported by expert independent opinion, and a section 32 analysis, and
  - c) cannot be said to have no reasonable chance of succeeding.
38. The applicant is not acting in bad faith by lodging a private plan change request. The applicant is not requiring council to consider matters in this process that have already been decided or the subject of extensive community engagement or investment. Accordingly, I do not consider the private plan change request to be vexatious.
39. I recommend the private plan change request not be rejected on this ground.

Has the substance of the request been considered and been given effect, or rejected by the council within the last two years?

40. The plan change area was the subject of specific submissions from the applicant during the development of the AUP(OP). The submission sought to amend Additional Heights Controls to provide for a maximum height of 31m for sites in the Town Centre zone and to delete all storey controls in relation to sites within the plan change area. Council rejected the submission and no appeal was lodged by the submitter. The provisions applying to this plan change area became operative in November 2016. Neither the contents of the proposed plan change, nor the operative provisions relating to the plan change area have been considered in the last two years.

41. I recommend the private plan change request not be rejected on this ground.

Has the substance of the request been given effect to by regulations made under section 360A?

42. Section 360A relates to regulations amending regional coastal plans pertaining to aquaculture activities. The plan change area is not within the coastal marine area, or involve aquaculture activities, and therefore section 360A regulations are not relevant.

43. I recommend the private plan change request not be rejected on this ground.

Is the request in accordance with sound resource management?

44. The term 'sound resource management practice' is not defined in the RMA.

45. In the recent Environment Court decision **Orakei Point Trustee v Auckland Council** [2019] NZEnvC 117, the Court stated:

"[13] What *not in accordance with sound resource management practice* means has been discussed by both the Environment Court and High Court in cases such as **Malory Corporation Limited v Rodney District Council** (CIV-2009-404-005572, dated 17 May 2010), **Malory Corporation Limited v Rodney District Council (Malory Corporation Ltd v Rodney District Council** [2010] NZRMA 1 (ENC)) and **Kerikeri Falls Investments Limited v Far North District Council (Kerikeri Falls Investments Limited v Far North District Council**, Decision No. A068/2009)

[14] Priestley J said in **Malory Corporation Limited v Rodney District Council** (CIV-2009-404-005572, dated 17 May 2010, at 95) that the words *sound resource management practice* should, if they are to be given any coherent meaning, be tied to the Act's purpose and principles. He agreed with the Environment Court's observation that the words should be limited to only a coarse scale merits assessment, and that a private plan change which does not accord with the Act's purposes and principles will not cross the threshold for acceptance or adoption (CIV-2009-404-005572, dated 17 May 2010, at 95)

[15] Where there is doubt as to whether the threshold has been reached, the cautious approach would suggest that the matter go through to the public and participatory process envisaged by a notified plan change (Malory Corporation Ltd v Rodney District Council [2010] NZRMA 1 (ENC), at para 22)."

46. I understand the consideration of this ground should involve a coarse assessment of the merits of the private plan change request - "at a threshold level" - and take into account the RMA's purpose and principles - noting that if the request is accepted or adopted the full merits assessment will be undertaken when the plan change is determined.

47. The RMA's purpose is set out at section 5 and the principles are set out at sections 6 to 8. In terms of these RMA Part 2 matters, the private plan change proposes to increase the standard height within the plan change area (911-975 New North Road) to enable buildings of up to 24m in height, allowing for a more efficient use of the land resource through intensification, and enabling the landowner and any users of the land to provide for their social, cultural and economic well-being. The proposed plan change may have adverse effects on other landowners, particularly through additional shading, which may reduce those persons amenity. The proposed plan change may also have adverse effects on the streetscape character. These matters will be assessed throughout the process. The proposed plan change does not seek to substantially alter the provisions of the zones, rather it seeks to allow for increased height and therefore development capacity in the plan change area. Sections, 7(b), 7(c), 7(f) and 7(g) are considered to apply because:

- i. the proposed increase in the Height Variation Control may provide for more efficient use and development of the plan change area given its size and location

- ii. the proposed increase in the Height Variation Control may enable comprehensive development, accepting this plan change allows a thorough assessment of the effects on amenity values and quality of the environment. The purpose of the plan change<sup>6</sup> reflects the intention to take a balanced approach to s7(c).
  - iii. the land within the plan change area is a finite natural and physical resource.
48. Section 7(a) also applies because of the proximity of the plan change area to the maunga (Ōwairaka/Mount Albert) and its relationship with mana whenua, and the importance of maintaining views to, from and between maunga, and the connection between Ōwairaka/Mount Albert and the Mount Albert town centre.
49. While the proposed additional height will lead to increased shading over some residential properties in the immediate surrounding area, the difference between shading cast by an 18m built form (anticipated by the plan), and that cast by a 24m built form is not so significant as to warrant rejection under sound resource management reasons and will be further assessed throughout the plan change process. Shading over New North Road would be increased in extent and duration, however the Auckland Unitary Plan provides little protection for sunlight access to the public realm adjacent to the Business - Town Centre zone or the Business - Mixed Use zone.
50. The applicant supplied technical reports and a section 32 evaluation report in support of the private plan change request. The council has engaged experts to evaluate the lodged information. The plan change area is located within the rural urban boundary, in the Mount Albert town centre area, with live urban zoning of Business - Town Centre and Business - Mixed Use, and is currently occupied by a range of commercial operators and activities. The private plan change request includes information on infrastructure provision and capacity. Watercare have identified capacity constraints within the wider network, but have acknowledged that this would be addressed as part of further discussions at the resource consent stage on connections to existing infrastructure.
51. An urban design review raised questions about the impact the plan change would be likely to have on the character of the town centre and surrounding area, including the existing intrinsic qualities, characteristics, and amenity values of the locality. Concerns were raised about the potential for the loss of mature trees and street trees in and adjacent to the plan change area and the level of protection afforded to these trees. Further details were provided by the applicant to understand the potential impacts.
52. Having reviewed the applicant's planning and specialist reports, undertaken a coarse scale merits assessment of the private plan change request, and taken the purpose and principles of RMA into account, the private plan change request is considered to be in accordance with sound resource management practice for the purposes of consideration under Clause 25(4)(c), Schedule 1.
53. I recommend the private plan change request not be rejected on this ground.

Would the request or part of the request make the policy statement or plan inconsistent with Part 5 of the RMA?

54. Part 5 of the RMA sets out the role and purpose of planning documents created under the RMA, including that they must assist a local authority to give effect to the sustainable management purpose of the RMA. Regional and district plan provisions must give effect to the regional policy statement and higher order RMA documents, and in addition, not be inconsistent with any (other) regional plan. The relevant sections in Part 5 are determined by

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<sup>6</sup> The purpose of the plan change is “to apply a 24m height limit to the properties at 911-975 New North Rd, to increase the efficient and effective use of this highly accessible land within the Mount Albert town centre area whilst achieving a quality built environment, maintaining the amenity values of the locality and avoiding intrusion into the identified viewshafts to Ōwairaka/Mt Albert.”

the nature of the private plan change: The plan change proposes to amend district plan provisions.

55. The purpose of the private plan change is to apply a 24m height limit to the properties at 911-975 New North Road, to increase the efficient and effective use of this highly accessible land within the Mount Albert town centre area whilst achieving a quality built environment, maintaining the amenity values of the locality and avoiding intrusion into the identified viewshafts to Owairaka/Mt Albert. The proposed change would allow for additional height and development capacity through intensification, enabling both residential and commercial activities, and promoting land-use transport integration with the high levels of public transport accessibility of the location.
56. A coarse examination of the private plan change, on balance, is that the intent of the plan change will not make the AUP(OP) inconsistent with Part 5 of the RMA. The development and intensification of the plan change area could support and enable quality urban form, contribute to greater productivity and economic growth in and around the Mount Albert town centre, and deliver a higher quality urban environment.
57. The most relevant parts of the Auckland Unitary Plan in regard to this test are Chapter B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form, and Chapter B4 Te tiaki taonga tuku iho - Natural heritage of the Regional Policy Statement (RPS) of the Auckland Unitary Plan. With respect to assessing the proposed plan change against the RPS provisions, it is considered the purpose of the private plan change is appropriate to the plan change area and consistent with the intended future role and function of the Mount Albert town centre. The following RPS provisions apply:
58. **B2.2 Urban growth and form** - the plan change seeks to contribute to quality compact urban form by enabling greater height, the potential for an increased mix of uses and higher densities in and adjacent to the town centre. It seeks to enable greater productivity and economic growth through additional capacity for residential and commercial growth, is well-located close to effective public transport, and has the potential to contribute to greater social and cultural vitality.
59. **B2.3 Quality built environment** - the plan change provides for additional development capacity that recognises the physical characteristics of the plan change area, including its setting in relation to the maunga and viewshaft overlay, and may assist in reinforcing the hierarchy of centres and corridors.
60. **B2.4 Residential growth** - the plan change enables the opportunity for greater residential intensification and supports a quality compact urban form. The plan change area is well-located in and adjacent to the Mount Albert town centre with good access to public transport, education and employment opportunities.
61. **B4.3 Viewshafts** - the plan change allows for the regionally significant view of Ōwairaka/Te Ahi-Kā-a-rakataura/Mount Albert and the associated outstanding values to be recognised, and for visual integrity and visual access to be maintained, acknowledging that in some locations the proposed height limit exceeds the viewshaft. In these locations, the applicant has indicated and acknowledged that rule C1.6(2) prevails, ensuring that the overall activity status of a proposal is that of the most restrictive rule. Therefore, any proposal to protrude into the viewshaft will trigger a non-complying activity status, despite compliance with the Height Variation Control.
62. The private plan change uses existing methods for managing resource management issues. The applicant seeks to increase the Height Variation Control from 18m to 24m (911-953 New North Road) and apply a Height Variation Control to enable buildings up to 24m (955-975 New North Road), under s73(2) of the RMA. The plan change request is supported by a s32 analysis and assessment of effects including consideration of all relevant plans/strategies as required under s74 of the RMA.

63. My preliminary assessment indicates the private plan change request will not make the Auckland Unitary Plan inconsistent with Part 5 of the RMA. The conclusions in the request documentation would be best evaluated via the submissions and hearing processes so that these matters can be considered in full.

64. I recommend the private plan change request not be rejected on this ground.

Has the plan to which the request relates been operative for less than two years?

65. The plan provisions of the AUP relevant to this request were made operative on 15 November 2016. The provisions have therefore been operative for more than two years.

66. I recommend the private plan change request not be rejected on this ground.

**Option 3: Decide to deal with the request as if it were an application for a resource consent**

67. The council may decide to deal with the request as if it were an application for a resource consent and the provisions of Part 6 would then apply accordingly.

68. I consider that the plan change process is the most appropriate process because no detailed development plans have been made available, and the requestor is seeking to increase development capacity across the plan change area, and has not indicated plans to develop all the land in the near future.

69. I recommend the private plan change request not be dealt with as if it were an application for a resource consent.

**Option 4: Accept the private plan change request, in whole or in part**

70. Council can decide to accept the request in whole, or in part. If accepted, the plan change cannot have legal effect until it is operative. In my opinion the private plan change may be accepted, as there is no demonstrable need for any rule to have immediate legal effect; adoption is not required.

71. The private plan change mechanism is an opportunity for an applicant to have their proposal considered between a council's ten-yearly plan review cycle. The subject matter of this private plan change request is not a priority matter in Plans and Places' work programme, and is not presently being considered. The private plan change process is a means by which this matter can be considered before the next plan review.

72. If the private plan change is accepted the matters raised by the applicant can be considered on their merits, during a public participatory planning process.

73. The applicant did not request that council adopt the private plan change request.

**Conclusion: options assessment**

74. I have assessed the private plan change request against the options available and the relevant matters. These include clause 25 Schedule 1 matters, having particular regard to the applicant's section 32 evaluation, and case law<sup>7</sup> that provides guidance on the statutory criteria for rejection of a private plan change request. I recommend the private plan change request is accepted.

## **Tauākī whakaaweawe āhuarangi**

### **Climate impact statement**

75. Council declared a climate emergency in Auckland, in June 2019. The decision included a commitment for all council decision-makers to consider the climate implications of their decisions. In particular, consideration needs to be given in two key ways:

- a) how the proposed decision will impact on greenhouse gas emissions and the approach to reduce emissions

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<sup>7</sup> Malory Corporation Limited v Rodney District Council [2010] NZRMA 392 (HC)

- b) what effect climate change could have over the lifetime of a proposed decision and how these effects are being taken into account.
76. The decision whether to adopt, accept, reject or deal with the private plan change request is a decision relative to those procedural options, rather than a substantive decision on the plan change request itself. The clause 25 decision is unrelated to any greenhouse gas emissions. The decision requested is a decision of short duration. Climate impacts can be considered in the future hearing report on the private plan change request, and any submissions received. At that time the potential impacts on Auckland's overall greenhouse gas emissions may be considered (does it encourage car dependency, enhance connections to public transit, walking and cycling, or support quality compact urban form), and whether the request elevates or alleviates climate risks (such as flooding and stress on infrastructure).

## **Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

### **Council group impacts and views**

77. The request has been reviewed by the Urban Design Unit, Auckland Transport, and Watercare. Their preliminary assessments are noted below:

#### **Urban Design**

78. The Urban Design Unit (UDU) sought further information on the impacts of the additional height on the intrinsic qualities, characteristics and amenity values of the area, with further detail sought in relation existing trees and the impacts of shading. The applicant has provided the further information as requested.

#### **Transport**

79. Auckland Transport provided a pre-lodgement review, with a number of suggestions, some relating to expected mode share to be addressed at the resource consent stage. These suggestions, including the assessment of potential cycling trips, have been addressed in the applicant's documentation. Auckland Transport reserves the right to make a submission on the plan change upon notification.

#### **Watercare**

80. Watercare provided a high-level assessment for water and wastewater capacity and requested additional capacity calculations. The calculations provided by the applicant show that the existing downstream wastewater network does not have sufficient capacity to support the maximum probable development scenario and a pipe upgrade or alternative mitigation measures will need to be provided at the time of resource consent application to support the development. In terms of water supply, the existing bulk supply meter and pipe work would also need to be upgraded to support future resource consent applications. Watercare reserves the right to make a submission on the plan change upon notification.

## **Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

### **Local impacts and local board views**

81. Local boards' views are important in Auckland Council's co-governance framework. The views of the Albert-Eden Local Board will be sought on the content of the private plan change request after the submission period closes. All formal local board feedback will be included in the hearing report and the local board will present its views to hearing commissioners, if the local board chooses to do so. These actions support the local board in its responsibility to identify and communicate the interests and preferences of people in its area, in relation to the content of Auckland Council plans.
82. Local board views have not been sought on the options to adopt, accept, reject or deal with the private plan change request as a resource consent application. Although council is required to consider local board views prior to making a regulatory decision, that requirement applies when

the decision affects, or may affect, the responsibilities or operation of the local board or the well-being of communities within its local board area. The clause 25 decision does not affect the Albert-Eden local board's responsibilities or operation, nor the well-being of local communities.

## Tauākī whakaaweawe Māori Māori impact statement

### Consequence of clause 25 options for future consultation

83. If council accepts a private plan change request, it is not required to complete pre-notification engagement with iwi authorities. If the council accepts the request and subsequently notifies it, iwi authorities have the opportunity to make submissions. No changes can be made to the private plan change prior to notification.
84. If council adopts a private plan change the same consultation requirements apply as though the plan change was initiated by council: consultation with iwi authorities is mandatory prior to notification.<sup>8</sup> Changes can be made to the plan change prior to notification. Iwi authorities have the opportunity to make submissions after notification.
85. None of the clause 25 options trigger any signed mana whakahono a rohe (iwi participation arrangement).

### Substance of private plan change request

86. Many of the resources that can be afforded protection by a rule with immediate legal effect may be of interest to Māori, for example water, air or significant indigenous vegetation. The private plan change request does not include any proposed rules that should have immediate legal effect, utilising section 86B, and should not be adopted as a council plan change.
87. Accepting the plan change does not directly affect Māori land and treaty settlement land or land/resources subject to Treaty legislation. However, it may have some effect on the principle of kaitiakitanga (the right of Māori guardianship) and the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) due to the proximity to Ōwairaka/Te Ahi-Kā-a-rakataura/Mount Albert, identified as treaty settlement land (cultural redress). The applicant has recognised this through proposing the additional height some distance away from the lower slopes of the maunga, and acknowledging the precedence of the volcanic viewshaft height restrictions, ensuring the maunga, its profile and open space values are retained.
88. The private plan change triggers the following issues of significance as identified in the Schedule of Issues of Significance and Māori Plan 2017<sup>9</sup>: **Engagement/Consultation/Inclusion in Decision Making** - Māori are empowered to actively and meaningfully contribute to the development of Auckland, through consultation and inclusion in decision making processes and future plans; and **Regional Planning and Development** - Māori are recognised as playing an important role in the development of the Auckland region. Ongoing, timely and positive engagement with mana whenua and iwi authorities throughout the plan change process will support these issues of significance.

### Record of applicant's consultation

89. An applicant should engage with iwi authorities in preparing a private plan change request, as a matter of best practice. It is also best practice for an applicant to document changes to the private plan change request and/or supporting technical information arising from iwi engagement.
90. Tram Lease Limited advises that it has engaged with the following iwi authorities with an interest in the area (see below), in addition to Tūpuna Maunga o Tāmaki Makaurau Authority, providing the opportunity for feedback before the request was formally lodged with council.

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<sup>8</sup> Clauses 3, 4A Schedule 1, Resource Management Act 1991.

<sup>9</sup> *Schedule of Issues of Significance and Māori Plan 2017*, Independent Māori Statutory Board



Iwi authority	Organisation	Detail
Ngāti Whātua o Kaipara	Ngā Maunga Whakahii o Kaipara Development Trust	Defer to Ngāti Whātua Ōrākei.
Ngāti Whātua Ōrākei	Ngāti Whātua Ōrākei Trust	Requested further engagement however a site visit has not yet been arranged. Consultation ongoing is ongoing at time of lodgment.
Ngāti Te Ata	Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua	Defer comment until application is formally submitted.
Ngāi Tai ki Tāmaki Ngāti Maru Ngāti Pāoa Ngāti Pāoa Ngāti Tamaoho Ngāti Tamaterā Te Ahiwaru - Waiohua Te Ākitai Waiohua Te Kawerau ā Maki Te Rūnanga o Ngāti Whātua Waikato - Tainui	Ngāi Tai ki Tāmaki Tribal Trust Ngāti Maru Rūnanga Trust Ngāti Paoa Iwi Trust Ngāti Paoa Trust Board Ngāti Tamaoho Settlement Trust Ngāti Tamaterā Settlement Trust Makaurau Marae Māori Trust Te Ākitai Waiohua Iwi Authority Te Kawerau Iwi Settlement Trust Te Rūnanga o Ngāti Whātua Te Whakakitenga o Waikato Incorporated	No response received

## Ngā ritenga ā-pūtea

### Financial implications

91. If the request is adopted, council would pay all costs associated with processing it. Plans and Places department would be required to cover this unbudgeted expenditure; there would be less funding available to progress the department's work programme.
92. If the request is accepted or, if the request is dealt with as a resource consent application, the applicant would pay all reasonable costs associated with processing it on a user-pays basis.

## Ngā raru tūpono me ngā whakamaurutanga

### Risks and mitigations

93. An applicant may appeal to the Environment Court a decision to:
  - a) adopt the private plan change request in part only under clause 25(2)
  - b) accept the private plan change request in part only under clause 25(2)
  - c) reject the private plan change in whole or in part under clause 23(6)
  - d) deal with the private plan change request as if it were an application for a resource consent.<sup>10</sup>
94. I recommend that all of the private plan change request is accepted. The risk of a legal challenge by the applicant utilising the clause 27 appeal rights is negligible. No avenue for appeal would be available.

<sup>10</sup> Clause 27, Schedule 1 Resource Management Act 1991.

95. No substantial changes can be made to the private plan change request following the clause 25 decision. I have worked with the applicant on the plan change leading up to this clause 25 report. After obtaining expert advice from council's project team I sought further and additional information from the applicant to ensure there would be sufficient information to evaluate the private plan change.

## Ngā koringa ā-muri

### Next steps

96. If accepted, the private plan change must be notified within four months of its acceptance.
97. A separate evaluation and decision will be required regarding extent of notification.
98. I will seek the views and preferences of Albert-Eden Local Board after submissions close for inclusion in the section 42A hearing report.
99. Council will need to hold a hearing to consider any submissions, and local board views, and a decision would then be made on the private plan change request in accordance with Schedule 1 of the RMA.

## Clause 25 recommendation

100. This private plan change request requires decision-making pursuant to clause 25 of Part 2 of Schedule 1 of the Resource Management Act 1991, to determine whether it will be adopted, accepted, rejected or dealt with as if it were a resource consent application.
101. I recommend that the private plan change request from Tram Lease Limited to increase the Height Variation Control that applies to 911-953 New North Road from 18m to 24m, and apply a Height Variation Control to 955-975 New North Road to enable buildings up to 24m be **accepted** under Clause 25(2)(b) of Schedule 1 of the Resource Management Act 1991 for the reasons set out in this report.

## Ngā kaihaina


### Signatories

Author	Clare Wall Shaw Senior Policy Planner Signature:  Date: 18 February 2021
Reviewer	Fiona Spratt Team Leader Signature: 

Date:18/02/2021
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## Clause 25 authority and decision

102. In accordance with Auckland Council Combined Chief Executives Delegation Register (updated September 2020), all powers, functions and duties under Schedule 1 of the Resource Management Act 1991, except for the power to approve a proposed policy statement or plan under clause 17 of Schedule 1, are **delegated** to Plans and Places Department Tier 4 Managers.
103. I have read the planner's report and recommendations on the private plan change request. I am satisfied I have adequate information to consider the matters required by the Resource Management Act 1991 and to make a decision under delegated authority.

Decision	I accept the private plan change request by Tram Lease Limited for 911-975 new North Road, Mount Albert under Clause 25 of Schedule 1 of the Resource Management Act 1991
Authoriser	Celia Davison Unit Manager, Central South, Plans and Places Signature:  Date: 23 February 2021

**Ngā tāpirihanga**  
**Attachments**

**Attachment A: Private plan change**

**Attachment B: Clause 25 Schedule 1, Resource Management Act 1991**

## **Attachment A: Private plan change**

## Attachment B: Clause 25 Schedule 1, Resource Management Act 1991

### Clause 25 Local authority to consider request

- (1) A local authority shall, within 30 working days of—  
(a) receiving a request under [clause 21](#); or  
(b) receiving all required information or any report which was commissioned under [clause 23](#); or  
(c) modifying the request under [clause 24](#)—  
whichever is the latest, decide under which of subclauses (2), (3), and (4), or a combination of subclauses (2) and (4), the request shall be dealt with.
- (1A) The local authority must have particular regard to the evaluation report prepared for the proposed plan or change in accordance with [clause 22\(1\)](#)—  
(a) when making a decision under subclause (1); and  
(b) when dealing with the request under subclause (2), (3), or (4).
- (2) The local authority may either—  
(a) adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself and, if it does so,—  
(i) the request must be notified in accordance with [clause 5](#) or [5A](#) within 4 months of the local authority adopting the request; and  
(ii) the provisions of [Part 1](#) or [4](#) must apply; and  
(iii) the request has legal effect once publicly notified; or  
(b) accept the request, in whole or in part, and proceed to notify the request, or part of the request, under [clause 26](#).
- (2AA) However, if a direction is applied for under [section 80C](#), the period between the date of that application and the date when the application is declined under [clause 77\(1\)](#) must not be included in the calculation of the 4-month period specified by subclause (2)(a)(i).
- (2A) Subclause (2)(a)(iii) is subject to [section 86B](#).
- (3) The local authority may decide to deal with the request as if it were an application for a resource consent and the provisions of [Part 6](#) shall apply accordingly.
- (4) The local authority may reject the request in whole or in part, but only on the grounds that—  
(a) the request or part of the request is frivolous or vexatious; or  
(b) within the last 2 years, the substance of the request or part of the request—  
(i) has been considered and given effect to, or rejected by, the local authority or the Environment Court; or  
(ii) has been given effect to by regulations made under [section 360A](#); or  
(c) the request or part of the request is not in accordance with sound resource management practice; or  
(d) the request or part of the request would make the policy statement or plan inconsistent with [Part 5](#); or  
(e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.
- (5) The local authority shall notify the person who made the request, within 10 working days, of its decision under this clause, and the reasons for that decision, including the decision on notification.

## **APPENDIX NINE**

### **PROPOSED MODIFICATIONS TO PRIVATE PLAN CHANGE 63**





## Auckland Unitary Plan - Operative in Part

### Proposed Plan Change 63 (PPC 63)

#### New North Road Plan Change

Public Notification: 22 July 2021

Close of Submissions: 18 August 2021

This is a Private Plan Change Request

#### Explanatory Note - Not Part of the Plan Change

Private Plan Change request to increase the Height Variation Control that applies to 911 - 953 New North Road from 18m to 24m. Apply a Height Variation Control to 955-975 New North Road to enable buildings up to 24m.

Consequential amendments are required to Table H10.6.1.1 and Table H13.6.1.2.

#### Plan Change Provisions

Note:

Amendments proposed by this plan change to the Auckland Unitary Plan are underlined for new text and ~~striketrough~~ where existing text is proposed to be deleted. The use of .... Indicates that there is more text, but it is not being changed.

## H10. Business - Town Centre Zone

...

### H10.6. Standards

...

#### H10.6.1. Building height

...

Table H10.6.1.1 Total building height shown in the Height Variation Control on the planning maps

Occupiable building height	Height for roof form	Total building height shown on Height Variation Control on the planning maps
Same as on the planning maps	NA	Less than or equal to 11m
11m	2m	13m
16m	2m	18m
19m	2m	21m
<u>22m</u>	<u>2m</u>	<u>24m</u>
25m	2m	27m
Same as on the planning maps	NA	Exceeding 27m

...

## H13. Business - Mixed Use Zone

....

### H13.6. Standards

...

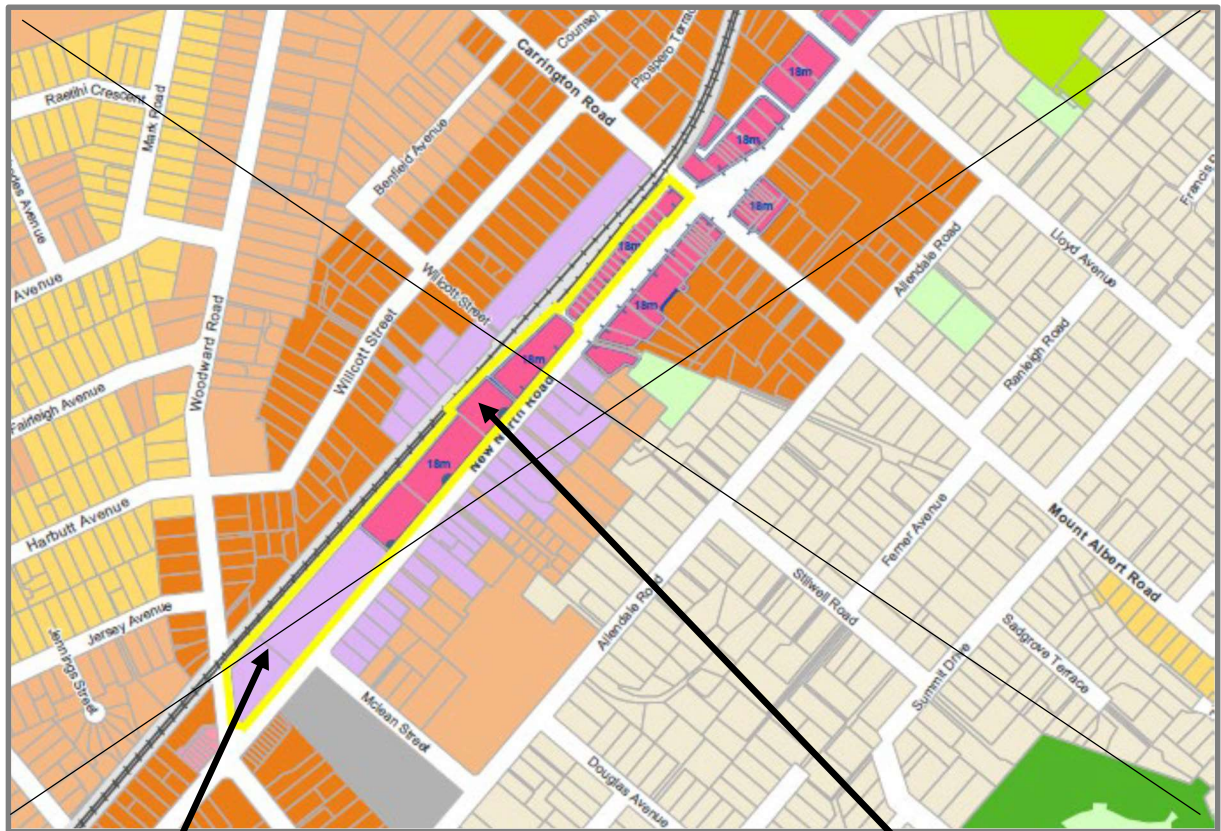
#### H13.6.1. Building height

...

Table H13.6.1.2 Total building height shown in the Height Variation Control on the planning maps

Occupiable building height	Height for roof form	Total building height shown on Height Variation Control on the planning maps
Same as on the planning maps	NA	Less than or equal to 11m
11m	2m	13m
16m	2m	18m
19m	2m	21m
<u>22m</u>	<u>2m</u>	<u>24m</u>
25m	2m	27m
Same as on the planning maps	NA	Exceeding 27m

**Amendments to the Auckland Unitary Plan Viewer:**



Apply Height Variation Control to the properties at 955-975 New North Road of 24m

Amend the Height Variation Control which applies to the properties at 911-953 New North Road from 18m to 24m.

Amendments to the Auckland Unitary Plan Viewer:



Apply Height Variation Control to the properties at 955-975 New North Road of 24m

Amend the Height Variation Control which applies to the properties at 945A-953 New North Road from 18m to 24m.

